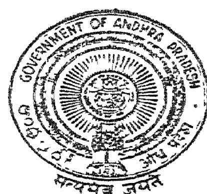


THE
ANDHRA PRADESH PENSION CODE

(Corrected up to 30th June 1959)

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GENERAL ARRANGEMENT.

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GENERAL ARRANGEMENT

PREFACE.

The Andhra Pradesh Government have not framed their own pension rules which will be applicable to State and Subordinate Services under their control but have only adopted the provisions of the Civil Service Regulations relating to pensions in so far as they are not inconsistent with any rules that may be made from time to time by them.

The main articles of Civil Service Regulations which are applicable to Government servants who are under the control of this Government, have been incorporated omitting the other articles which are not relevant. Some of these omitted Articles are, however, referred to in the text of some Articles which are included in this volume. The Appendix contains orders such as The Extraordinary Pension Rules, Andhra Pradesh, The Superior Civil Services (Extraordinary Pension) Rules, The Andhra Pradesh Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941, etc. The Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, The Contributory Provident Fund Rules (Andhra Pradesh), The General Provident Fund (Andhra Pradesh) Rules, The Pension Rules (old and revised) as also circular instructions governing the Ex-Hyderabad Government Servants' Liberalization of Pension Rules of the Government of India, The All India Services (Death *Cum* Retirement Benefits) Rules, 1958, etc., have also been incorporated in the Appendix.

A list of forms has also been included at the end to make the publication a complete and useful one.

The publication will hereafter be called 'The Andhra Pradesh Pension Code.'

Any omissions or mistakes may be brought to the notice of the Secretary to the Government, Finance Department.

THE ANDHRA PRADESH PENSION CODE.

PART I—PRELIMINARY

Chapter I—General Scope.

Extent of Application.

1. (*a*) These Regulations are intended to define the conditions under which salaries, and leave and pension and other allowances are earned by service in the Civil Departments, and in what manner they are calculated. They do not deal otherwise than indirectly and incidentally with matters relating to recruitment, promotion, official duties, discipline, or the like

(*b*) and (*c*) *Omitted.*

Rulings.

1. The provisions of the Civil Service Regulations relating to pensions and such alterations thereof and additions thereto as may be made from time to time by the Secretary of State in Council or the Government of India, shall, in so far as they are not inconsistent with any rules that may be made from time to time by the State Government, be deemed to be rules made by the State Government under rules 41, 42 and 44 of the Civil Services (Classification, Control and Appeal) Rules, and shall apply to State, specialist and subordinate services under their administrative control.

2. Any powers assigned in these regulations to the Secretary of State in Council, the Secretary of State, the Governor-General in Council or the Government of India, shall be exercised in respect of members of State, specialist and subordinate services by the State Government.

3. This article shall be deemd to have been made with effect from the 27th May 1930.

(G.O. No. 469, Finance, dated 22nd August 1932. Accountant-General's Case Pen. Mis. 3-22 of 1930-33.)

4. A person appointed on or after 1st April 1937 in a department performing agency functions on behalf of the Union Government in pursuance of the provisions of sub-section (1) of section 124 of the Government of India Act, 1935, or on behalf of His Excellency the Crown Representative in pursuance of the provisions of section 287 of the said Act shall, if he was not in the service of the State Government before 1st April 1937, be governed in the matter of pension by the rules issued by the Union Government in that behalf [vide proviso (iii) to rules 15 and 16 of the State Service General Rules and General Subordinate Services Rules, respectively, in the Andhra Pradesh Services Manual, Volume II].

[G.O. No.486, Public (Services), dated 20th March 1939 (for Subordinate Services).]
[G.O. No 485, Public (Services), dated 20th March 1939 (for State Services).]
(A.G.'s Case PV 6-7 of 1939-40.)

2. and **3.** *Omitted.*

Right of changing or interpreting rules.

4. The Government of India reserve to themselves the right of changing the rules in these Regulations regarding pay and acting allowance and leave and pension, from time to time at their discretion, and of interpreting their meaning in case of dispute.

An officer's claim to pay and allowance is regulated by the rules in force at the time in respect of which the pay and allowances are earned ; to leave by the rules in force at the time the leave is applied for and granted ; and to pension by the rules in force at the time when the officer resigns or is discharged from the service of Government.

NOTE (1).—[In all contracts for service in India to which the Secretary of State is a party, provision is made for the exercise of these rights by the Government of India.]

NOTE (2).—[Extracts from a despatch from the Secretary of State and a Resolution by the Government of India relating to the rights reserved by Government in this Article :—

Despatch from Secretary of State, No. 10, *dated 7th October* 1880.

" You remark that you are unable to admit any obligations on the part of the Government of India to compensate those officers for the indirect and remote effects of any administrative measures which it has been considered necessary to adopt in the interest of the State generally, and that it would be extremely inconvenient, if not wholly impracticable, in carrying out every change to consider every possible effect, however remote, which such change might have on the prospects of every officer in the service.

I concur in the sentiment expressed by your Government in this matter. All administrative reforms would be rendered impossible if the Government were fettered by considerations such as those above referred to."

Resolution No. 4863, *dated 4th December* 1891.

" The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under the operation of the old or of the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the local Governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantially suffered from the introduction of a rule not in force at the time he entered the service. If, after comparing the advantages secured to the officer by the altered rules with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."]

Ruling.

The question whether service in a particular office or department qualifies for pension or not, is determined by rules which were in force

at the time such service was rendered, and orders subsequently issued declaring the service to be non-qualifying, are not applied with retrospective effect.

(Government of India, Finance Department, No. 6080-P, dated 8th December 1905.)

*4-A. An officer transferred to a Service or post to which the pension rules in these Regulations apply, from a Service or post to which they do not apply becomes subject to the pension rules in these Regulations, provided that it shall be open to him, within six months of the date of transfer or, if he is on leave on that date, within six months of his return from leave, to elect to be governed by the pension rules to which he was subject immediately before the date of transfer. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council as the case may be. The option once exercised shall be final.

Rulings.

1. This rule does not cover the case of officers who may have already been transferred before its promulgation. It is, therefore, declared by an executive order that an officer transferred in the circumstances contemplated by the rule referred to above before its promulgation may also exercise the option of remaining under the pension rules to which he would have been subject had he not been transferred within six months from the date of these orders, or if the officer be on leave on that date, within six months of his return from leave.

[Government of India, Finance Department, No. F. 11 [13-R-(II)]/38, dated 29th May 1939 and G.O. No. 373, Finance (Pension), dated 15th June 1939—A.G.'s Case PV 6–39 of 1938–39–40.]

2. The Comptroller and Auditor-General has decided that Article 4-A will apply to a Government servant who is promoted from a post under the rule-making control of a State Government to a post under the rule-making control of the President of the Republic of India even though the State Government have adopted the pension rules of the Civil Service Regulations, and the change over so far as the transferred officer is concerned is only nominal. Under this decision read with Article 4, it follows that unless the officer exercises the option within the prescribed period to remain under the pension rules, applicable to him before his promotion, he will be governed by the pension rules of the President of the Republic of India in respect of his entire service if the promotion is made on or after 16th November 1938, the date of effect of Article 4-A, and Article 349-A (1) (*a*) will apply to him notwithstanding the consideration that he might have earlier elected not to be governed by Article 349-A at the time when this Article was framed.

[Letter from the Comptroller and Auditor-General of India, No. 216-A-61/46, dated 12th June 1946, recorded in G.O. No. 584, Finance (Pension), dated 31st July 1946.]

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* Takes effect from the 16th November 1938.

Chapter II—Definitions.

5. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the Regulations in the sense here explained.

Ruling.

The existing pension rules must be interpreted in the light of the definitions in the Civil Service Regulations and not in the light of the definitions in the Fundamental Rules.

(G.O. P. No. 471, Finance, dated 29th October 1923.)

6. "*Absentee*" means an officer absent from an appointment on which he has a lien, either on leave, or on deputation to another appointment, whether permanent or temporary, or on special duty unconnected with his own appointment, or on joining time, or under suspension.

7. "*Accountant-General*" includes "Auditor-General" and "Comptroller".

8. "*Active service*" includes, besides time spent on duty in India,—

(i) Privilege leave and subsidiary leave.

(ii) Examination leave under Articles 279 and 280, provided that not more than twelve months of such leave can be so reckoned ; and that leave under clauses (*a*) to (*c*) of Article 280 is not reckoned as Active Service, unless the officer passes the examination for which the leave is granted. Leave under Article 281 also counts as Active Service, provided that the officer successfully passes the examination for which the leave is granted.

(iii) Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognized leave out of India, provided his return to duty is compulsory (*see* Article 199).

(iv) For purposes of pension, the period of absence from India of an officer deputed or detained out of India on duty.

9. In the case of a member of the Indian Civil Service, Active Service includes also—

(i) The interval between the date of an officer's first arrival in India and the date on which he joins his first appointment.

NOTE.—[If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins is not Active Service.]

(ii) Time passed in India, out of employ on subsistence allowance but not on furlough.

NOTE.—[This clause applies to Military Officers subject to the Civil Leave Rules.]

(iii) For purposes of pension, the period not exceeding ten months spent in Russia in studying the Russian language.

Ruling.

The expression "time passed in India, out of employ on subsistence allowance" in Article 9 (ii) does not include time spent under suspension adjudged as a penalty.

(Government of India letter No. 1348, Finance and Commerce, dated 20th March 1886.)

10–13. *Omitted.*

14. *Age.*—When an officer is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the officer must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all officers, Civil, Military or Naval.

15. "*Audit Officer*" means the Account and Audit Officer, whatever his official designation, in whose circle of audit a public servant is serving or in respect to verification of service for pension is holding or has held a permanent non-tenure post in a substantive capacity,—

For service in an ordinary Civil establishment including the Public Works Branch—the Accountant-General.

For service in the Telegraph Engineering and the Indo-European Telegraph Departments—the Deputy Accountant-General, Posts and Telegraph (Telegraph Branch), Calcutta.

For service in the Post and Signal offices, Bengal, Assam and Bihar and Orissa—the Deputy Accountant-General, Posts and Telegraphs, Calcutta.

For service in the Post and Signal Offices, Punjab, the North-West Frontier Province and the United Provinces—the Deputy Accountant-General, Posts and Telegraphs, Delhi.

For service in the Post and Signal offices, Central Provinces and Berar, Bombay, Central India and

Rajputana—the Deputy Accountant-General, Posts and Telegraphs, Nagpur.

For service in the Post and Signal offices, Madras and Burma—the Deputy Accountant-General, Posts and Telegraphs, Madras.

For service in the Military and Marine Departments—the Controller of Military Accounts.

For service in the Military Works Services—the Examiner, Military Works Services.

For service under the Railway Department—the Chief Auditor of the State Railway concerned.

16. *Omitted.*

17. "*Barrister*" means a practising Barrister of England or Ireland and a practising member of the Faculty of Advocates of Court of Session of Scotland. It does not include a person who, though a Barrister, has never practised the profession of Barrister.

18. *Calender month.*—The following examples show how a period stated in calendar months should be calculated:—

Examples.—A period of six calendar months

beginning on the	ends on the
28th February	27th August.
31st March or 1st April	30th September.
29th August	28th February.
30th August or 1st September	last day of February.

A period of three calendar months

beginning on the	ends on the
29th November	28th February.
30th November or 1st December	Last day of February.

19–23. *Omitted.*

23-A. "*Deputation (Duty) Allowance*" is an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty when such duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment. (*See* Articles 76-C, 77 and 81.)

23-B. "*Deputation (Local) Allowance*" is an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty in consideration of a change of station involved by the deputation.

NOTE (1).—[When the deputation involves both increased work or responsibility and a change of station, the deputation allowance will be classed as deputation (duty) or deputation (local) allowance according as the former or the latter is the main consideration in fixing the allowance.]

NOTE (2).—[The extra emoluments drawn by an officer filling a temporary appointment, which is not of like character to an existing appointment, will be classed as a deputation (duty) allowance or as a deputation (local) allowance, according as they are granted for increased work or responsibility or for a change of station.]

23-C. "*Duty Allowance*" is an allowance given to an officer in addition to pay or salary, in consideration of the unhealthiness of the locality in which the work is performed or of the specially arduous nature of his duties or of increased work or responsibility or for the discharge of duties which do not properly belong to his office and for which there is no sanctioned appointment.

24-25. *Omitted.*

26. "*First Appointment*" includes the appointment of a person not at the time holding any appointment under Government, even though he may have previously held such an appointment.

27. "*Foreign Service*" means service in which a Government servant receives his substantive pay with the sanction of Government (*a*) from any source other than the revenues of the Governor-General in Council or of a province or the Railway Fund (when established) ; or (*b*) from a company working a State Railway.

28. "*General Revenues*" for the purposes of pension includes Provincial Revenues and the Revenues of Mysore, so far as regards service rendered in Mysore before the 1st October 1892, by Civil and Military officers who either had a status in the service of the British Government apart from their particular employment in Mysore, or having no such status were employed in Mysore when under British administration, and transferred to British service proper before that date.

NOTE.—[The service in Mysore of Civil and Military officers as above described became "Foreign Service" on the 1st October 1882.]

29. *Omitted.*

29-A. *Heads of departments.*—The term includes—

(*a*) Officers who have been declared by the Government of India to be heads of departments. Officers who were declared by local Governments to be heads of departments under the Resolution by the Government of India in the Finance Department, No. 5525-Ex., dated the 19th November 1909, will continue to exercise such powers as have already been delegated to them ; but the extension to

any such officer of the larger powers that can now be delegated to heads of departments requires the sanction of the Government of India, in which alone rests the power of adding to the list of heads of departments.

(b) Any other authority to which the Government of India may delegate the powers of a head of a department.

29-B. *Imperial Branch or Service.*—The term applies—

(1) To those services or branches of services, which are composed of gazetted officers recruited in England, e.g., the Indian Civil Service, Military officers filling gazetted civil appointments; and the "Imperial" as distinguished from the "Provincial" gazetted ranks of the Public Works Department, Forest, Indian Educational Service, Police, Agricultural, Civil Veterinary departments;

(2) to such appointments as are specially declared by the Government of India to be "Imperial" appointments.

30. "*Indian Civil Service*" means the service formerly known as the Covenanted Civil Service.

31. *Lien on appointment.*—When an officer is said to have a lien on an appointment, it is meant that the right of such an officer to resume, on return to duty, a substantive or an acting appointment on which he has a lien is subject to the same condition of conformity with interest of the public service as the tenure of the appointment is. An officer may have a lien on an appointment without having actually joined it.

32. "*Local Allowance*" is an allowance given to an officer, in addition to pay or salary, in consideration of exceptional local circumstances, such as the expensiveness of the locality or duty.

House-rent allowances, Presidency allowances, Sind allowance, Burma, Assam and Baluchistan allowances are local allowances. Travelling allowances, conveyance allowances, horse allowances and tentage allowances are not local allowances.

33. *Local Fund.*—The expression "Local Fund" denotes—

(1) Revenue administered by bodies which by law or rule having force of law come under the control of Government whether in regard to the proceedings generally,

or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular appointments, the enactment of leave, pension or similar rules;

(2) the revenues of any body which may be specially notified by the Government of India as such.

34. *Local Government.*—This term applies primarily to the State Governments enumerated in Part I of Appendix I * with which regular or quasi-provincial settlements have been concluded, and the Minor Local Governments enumerated in Part II whose position is analogous to that of State Governments, but which are not embraced in the system of State Settlements. But for the purpose of these regulations, the term also includes, in so far as they exercise the powers of a Local Government, the departments and officers who are shown in Part III of the Appendix * referred to as exercising these powers in full or in part.

35. *Omitted.*

36. "*Ministerial Officer*" means an officer, whether gazetted or not, whose duties are not of an administrative or executive character, but who is employed as a member of an office establishment.

Examples.—An accountant or a clerk is a Ministerial officer. A Tahsildar, a Police Inspector or constable or a teacher in a school is not a Ministerial officer.

37. *Omitted.*

38. *Pay and Salary.*—(*a*) "Pay" means "monthly substantive pay". It includes also "overseas allowance" and "technical allowance".

(*b*) For the purpose of the leave rules in Chapter XIII, "Pay" includes also the subsistence allowance of a member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules who has an officiating but not a substantive appointment.

(*c*) "Salary" means the sum of pay and acting allowance, or charge allowance under Article 94 of Chapter VIII.

(1) Personal allowance is treated, for the purposes of calculating leave allowances, as part of an officer's substantive pay, but not for purposes of travelling allowance, unless it has been granted to protect from loss an officer, the pay of whose appointment has been changed. It is treated as 'emoluments' for pensions in the circumstances indicated in clause (*b*) of Article 486.

(G.O. Ms. No. 435, Finance, dated the 23rd July 1954.)

(2) The allowances of an officer holding conjointly with another officer a professorship or lecturership in any Government institution, are part of his salary.

* Reference to Appendix I of C.S.R. not printed.

(3) "Salary" does not include a local allowance, deputation (local) allowance, house-rent, tentage, or travelling allowance, whether daily, monthly or yearly.

(4) The charge allowances admissible to Inspectors and Charge clerks, Indo-European Telegraph Department. are part of their salary.

(5) The good-conduct allowance of policemen is treated as salary for the purpose of calculating leave allowances, but not pension

(6) Deputation (duty) allowances and duty allowances are treated as salary for the purpose of calculating leave allowances, and are included in the term "emoluments" for calculating pensions

NOTE—[These definitions do not necessarily apply to the Statutory Rules under Articles 543, 567, etc.]

39. The "*Pay of an appointment*" means the pay which any particular officer would receive monthly if he held the appointment substantively.

(1) The allowances of an officer acting in an appointment the pay of which is subject to increase upon passing of an examination or upon the completion of a certain period of service, are calculated upon the pay which he would from time to time receive if he held the appointment substantively

(2) The allowances of an officer acting in an appointment the pay of which has been reduced with effect from the next succession thereto, are calculated upon the reduced pay

(3) The Government of India and State Governments may declare the pay of an appointment, for the purpose of the rules in Chapters V, VI and VIII, in cases where the pay of an appointment is undetermined at any rate not exceeding—

(*a*) the pay of the permanent incumbent, or

(*b*) if the pay is incremental, his minimum pay, or

(*c*) if the appointment is tenable by an officer belonging to any one of several grades or classes in a service, the pay of the lowest grade or class.

(4) In the case of an appointment reserved for officers of a graded service, the pay of which varies according to the grade of the incumbent for the time being, the pay of an office of the current duties of which an officer is appointed to be in charge under the provisions of Articles 165 and 166, and the pay of any additional appointments which an officer is appointed temporarily to hold or officiate in under the provisions of Article 162, for the purpose of calculating the incumbent's salary, the pay of the appointment left vacant in the lowest grade or class from which the office or additional appointment is usually filled.

40. (*a*) The "*Pay of an Officer*" is—in the case of an officer with a substantive appointment—the amount which he would receive monthly under any of the following designations, in his substantive appointment :—

Military pay and allowances and staff salary.
Indian Army pay and staff salary.
Substantive pay.
Consolidated pay.

(*b*) In the case of an officer without a substantive appointment—his monthly subsistence allowance (if a member of the Indian Civil Service, a Statutory Civil servant, or a Military officer subject to the Civil Leave Rules) and his Military pay and allowances or Indian Army pay (if a Military officer subject to the Military Leave Rules).

41. *Pension.*—Except when the term "Pension" is used in contradistinction to gratuity, "Pension" includes gratuity.

42-44. *Omitted.*

44-A. *Cancelled.*

44-B. "*Remuneration*" includes, besides monthly substantive pay or salary, other payments to officers from general revenues (i.e., Central and State revenues, as well as the revenues of local funds administered by Government), whether in the nature of fixed allowances, subject to the exceptions specified below, or of fees, rewards (except language rewards other than those which take the form of monthly allowances) or recurring honoraria. It does not, however, include the pension of an officer who is re-employed, local allowances granted on account of the unhealthiness or expensiveness of particular localities, exchange compensation allowances, travelling, tentage or conveyance allowance, house-rent allowance or grant of free quarters, allowances to civil surgeons for charge of railway employees, office allowances, Simla or other hill allowances, and non-recurring honoraria.

45. *Rule of Proportions.*—Pension or leave allowances are said to be chargeable according to the "Rule of Proportions", when the charge is debitable to several accounts in the proportions in which, in the case of pension, the aggregate pay drawn by the officer during the whole of his qualifying service has been paid from them ; or, in the case of leave allowances, the aggregate salary drawn by the officer during the portion of his service immediately preceding the beginning of his leave which is taken into account in calculating the leave granted to him was charged to such several accounts.

NOTE (1).—[Duty allowances and deputation (duty) allowance should be included in pay or salary, as the case may be, for the purpose of this rule.]

NOTE (2).—[In cases where leave allowances are regulated on pay instead of salary, the calculation under the above rule for leave allowances should be made on pay instead of salary.]

NOTE (3).—[If according to the Rule of Proportions the share of pension or leave allowance chargeable to one account does not exceed one rupee, no charge shall be made to this account ; and the share shall be borne by the account chargeable with the greatest share.]

46. *Omitted.*

47. *Cancelled.*

48. *Omitted.*

PART II—RULES REGARDING PAY AND ALLOWANCES.

GENERAL ARRANGEMENT.

PART II—RULES REGARDING PAY AND ALLOWANCES.

Chapter III—Rules regarding pay and allowances.

49-59. *Omitted.*

60. *Promotion during leave.*—An officer on long leave has no claim to substantive promotion. Such promotion may, however, be given, but except in the case provided for in Note 1 under Article 585 (*a*), the promotion has effect only from the date on which the officer returns to duty.

If an officer, while absent on short leave during which the amount of his leave allowances depends upon the substantive or officiating appointment which he would hold if present on duty, obtains promotion, substantive or officiating, or an increase of pay or acting allowance which involves no change in, or addition to, his duties or responsibilities, the promotion or increase has effect at once.

61–68-B. *Omitted.*

Chapter IV—Additions to salary and deputations.

69. *Omitted.*

70. *Cancelled.*

71. *Omitted.*

72–76. *Cancelled.*

Temporary appointments.

76-A. A temporary appointment is an appointment carrying a definite rate of pay sanctioned for a limited time.

76-B. When a temporary appointment of like character to existing permanent appointment is filled by an officer in the service of Government, his salary will be determined as follows :—

(*a*) If the existing appointments are divided into grades or classes, the temporary appointment will be treated as a temporary addition to the corresponding grade or class of the cadre; and the salaries of all officers concerned will be regulated according to promotions within the cadre under the rules in Chapter V.

(b) If the appointments are not graded, the salary of the officer filling the temporary appointment will be equal to that which he would draw if he were acting in a permanent appointment on the same pay. The promotions made in such arrangements may in certain cases be substantive *pro tempore*, if the temporary appointment is for not less than six months, in accordance with the provisions of Article 90

NOTE.—[A temporary addition to a clerical establishment for the performance of work falling within the ordinary duties of the establishment comes under clause (*a*) above.]

The Government of India may sanction the drawal by the holder of a temporary appointment of salary in excess of what is permissible under the above rules, subject to the maximum limit of the pay of the appointment.

The State Government may sanction the drawal by the holder of a temporary appointment, the pay of which does not exceed Rs. 800 a month, of a salary in excess of what is permissible under the above rules, subject to the maximum limit of the pay of the appointment, and provided that no special orders of the Government of India are thereby infringed.

76-C. When a temporary appointment not of like character to existing permanent appointments is filled by an officer in the service of Government his emoluments will, subject to the maximum limit of the pay of the appointment, be regulated as if he had been deputed on special duty under Article 81. The authority appointing him will declare whether any increase in emoluments drawn by him is to be treated as a deputation (duty) or deputation (local) allowance.

The Government of India may, subject to the maximum limit of the pay of the appointment, increase the amount of the deputation allowance to such an extent as is considered necessary.

If the pay of the appointment does not exceed Rs. 800, the State Government may increase the amount of the deputation allowance to such an extent as is considered necessary, subject to the maximum limit of the pay of the appointment and provided that no special orders are thereby infringed.

NOTE.—[In the case, however, of an officer not belonging to an Imperial Service (as defined in Article 29-B) a State Government may in exceptional cases, where the cost is chargeable to State or divided heads of expenditure exercise this power even if the pay exceeds Rs. 800.]

76-D. The authority which appoints an officer to a temporary appointment may declare that the officer shall hold the appointment substantively for the purpose of the acting allowance rules. The effect of such a declaration will be that if the officer officiates in another appointment while continuing to retain a lien on the temporary appointment, his emoluments in respect of the temporary appointment will be regarded as his substantive pay for the purpose of calculating his salary.

Deputation in India.

77. An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

77-A–80. *Cancelled.*

81. An officer deputed on special duty may be allowed to draw the pay or salary which he is drawing at the time of his deputation, or which he would have drawn from time to time if he had not been so deputed; provided that an officer who, while on deputation, is nominated to an appointment outside the regular line, shall not be admitted to the pay or salary of that appointment until he joins it. The officer may in addition be allowed to draw (1) if the special duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment a deputation (duty) allowance, or (2) if the special duty involves a change of station, a deputation (local) allowance. If the special duty involves both increased work or responsibility and a change of station, the allowance will be classed as duty or local according as it is given mainly for increased work or responsibility or for a change of station. In either case it may not, except with the special sanction of the Government of India, exceed one-fifth of salary or Rs. 10 a day, whichever is less.

NOTE (1).—[State Governments, however, may, in exceptional cases, where the cost is chargeable to State or divided heads of expenditure, grant to an officer not belonging to a Central Service (as defined in Article 29-B), a deputation allowance in excess of this amount.]

NOTE (2).—[The following are instances of appointments considered to be outside the regular line for the purpose of this rule:—

Members of the Boards of Revenue and Financial Commissioners.

Judges of High Courts and Chief Courts and Judicial Commissioners.

Heads of Departments including Chief Conservators of Forests and Chief Engineers.

Secretariat appointments.

Agents to the Governor-General and Residents of the first class.]

NOTE (3).—*Omitted.*

82. Deputation allowance does not include reimbursement of cost of travelling, and an officer who draws deputation allowance is not thereby debarred from drawing any travelling allowance which would be admissible to him, if the duty on which he is deputed were treated as a new permanent appointment.

83 & 84. *Omitted.*

84-A *Cancelled.*

85, 85-A—C. *Omitted.*

Chapter V—Acting Allowances—General Rules.

Section I.—Definitions and Limitations.

86. " Acting Allowance " is the allowance given, in addition to substantive pay (if any), to an officer who is appointed to officiate in an appointment of which either there is no holder or of which the holder is an absentee.

(1) A Local Government may, at its discretion, allow acting appointments to be made in place of officers ordered or permitted to undergo a course of training. It may delegate its power under this rule to Heads of Departments.

(2) A Local Government may also issue general orders authorising acting appointments to be made in the place of any specified class of officers under training.

87. In certain cases, as defined in Articles 89 to 92, it is permissible to appoint an officer " provisionally " or " substantively *pro tempore* " instead of appointing him to officiate.

88. It is also permissible, instead of appointing an officer to officiate, to appoint him to be in charge of the current duties of the vacant appointment. In such cases a " charge allowance " is given as explained in Articles 94, 95, 165 to 169-A and 174-A.

Provisional Appointment.

89. If an officer is transferred to duty which is such that he retains no connexion with his own appointment and which, there is reason to believe, will not terminate within three years, the Local Government may, if it thinks fit, suspend his lien upon his own appointment altogether, and fill up that appointment substantively, reserving only

the right to reverse the arrangements thus made in case the absent officer at any time reverts to his original appointment.

NOTE.—[A Local Government may delegate its powers under this article to Heads of Departments in respect of officers whom they can appoint.]

Ruling.

A provisionally substantive appointment is a substantive appointment for all practical purposes, subject only to the qualification that the arrangement will be reversed if and when the officer in whose place the arrangement is made returns to his own post, and also subject in so far as pension is concerned, to the fulfilment of the conditions in Article 89. Subject to these conditions, a provisionally substantive holder of a permanent post carries, so long as he holds a provisional lien on that post, all the privileges and advantages which ordinarily accrue to the substantive holder of a permanent post.

A provisionally substantive appointment under Fundamental Rule 14 (*d*) may correspond to either an officiating appointment or a provisionally substantive appointment in the Civil Service Regulations sense according as the conditions of Article 89, are not or are fulfilled. When it is of the former category, the case falls to be dealt with under Article 371, read with the Government of India decision contained in their Finance Department letter No. 1009-P, dated 3rd March 1897 (vide ruling 1 under Artice 376), but when of the latter category it satisfies the second condition of Article 361.

(Comptroller and Auditor-General's Office Memorandum No 377-A/120-44, dated 1st September 1944; A G.'s Case Pen, Mis. No 32 of 1944–45.)

NOTE.—Service in all provisionally substantive appointments made under the rules in force before 29th May 1934 (and continued without interruption even beyond that date) will count as service qualifying for pension automatically on the basis of the entry of the provisional appointment made in the service book. In respect of provisionally substantive appointments made on or after 29th May 1934 the nature of vacancy in which such service was rendered should be indicated in the pension papers.

(G O. Ms. No. 490 Finance, dated 2nd July 1956.)

SUBSTANTIVE *Pro tempore* APPOINTMENTS.

90. An officer to whom the rules in section I of Chapter VI do not apply may be appointed substantively *pro tempore* on full pay, without prejudice to the lien of the absentee, in place of an absentee who draws no part of the pay of the appointment or of an officer on deputation, provided that when the absence is due to a temporary appointment or the officer is on deputation the temporary appointment or deputation lasts for six months or more.

The full pay of an officer thus appointed substantively for a time may, in like manner and upon the same condition, be given to a substitute similarly appointed. The status of an officer appointed substantively *pro tempore* under this Article is that of an Acting officer, and if he is

appointed to officiate in a higher appointment, his salary is reckoned upon his substantive pay proper and not upon the pay of the appointment he held substantively *pro tempore*.

NOTE (1).—[This rule is subject to the proviso that the salary of an officer who is substantive *pro tempore* in one appointment and who is appointed to officiate in a higher appointment shall not be less than that which he drew while holding the substantive *pro tempore* appointment. While appointed to officiate in a higher appointment or in a higher class the officer does not cease to hold the former appointment substantive *pro tempore* unless expressly reverted, and unless the officiating appointment is expected to last for at least three months, the authority appointing him may not revert him to his substantive appointment merely for the purpose of appointing another officer to the substantive *pro tempore* appointment.]

NOTE (2).—[Full pay is not to be drawn under Articles 89 and 90 as a matter of course, or unless the officer claiming it has been formally appointed "provisionally" or "substantively" *pro tempore* by competent authority.]

91. An officer appointed to act in another office is not an absentee within the meaning of Article 90 unless the full pay of that office is available and he is appointed to it substantively *pro tempore*.

92. An absentee who receives absentee allowances draws within the meaning of Article 90, "part of the pay of his appointment"; and that Article is not to be construed as conflicting with Article 214.

93–96. *Omitted.*

97. *Cancelled.*

98. *Omitted.*

99–103 *Cancelled.*

PART IV—ORDINARY PENSIONS.

GENERAL ARRANGEMENT

PART IV—ORDINARY PENSIONS.

Chapter XV—General Rules.

Section I—Extent of Application.

348-A. Every pension shall be held to have been granted subject to the conditions contained in Chapter XXI.

349. The conditions of service of officers of the following classes include special rules for pension which are laid down in the chapters noted against each, viz.:—

(*a*) Judges of the High Courts (*See* Chapter XXIII).

* (*b*) Barristers, etc., holding the appointments specified in Article 547 (*See* Chapter XXIV).

(*c*) Members of the Indian Civil Service (*See* Chapter XXXV).

* (*d*) Ecclesiastical Officers (*See* Chapter XXVII).

* (*e*) Civil Engineers and Telegraph Officers (*See* chapter XXX).

* (*f*) State Railway Establishments (*See* Chapter XXXII).

* (*g*) Bengal Covenanted Pilots (*See* Chapter XXXIII).

(*h*) Police Officers drawing less than Rs. 20 a month *See* Chapter XX).

* (*i*) Port Blair Police (*See* Chapter XXXIV).

* (*j*) Army Veterinary Officers of the Civil Veterinary Department (*See* Chapter XXIX).

* (*k*) Burma Military Police (*See* Chapter XXXVII).

349-A (1) The rules in Articles 401-A, 465-A, 474-A and 475-A apply to officers (other than Military Officers and members of the Indian Civil Service) appointed substantively to the services or the appointments specified below who—

(*a*) joined their appointments after 29th August 1919,

or (*b*) were in permanent service on 29th August 1919 but have definitely elected in writing with the permission of Government to come under them.

N.B.—Officers who were appointed in England during the year 1919 should, for the purpose of this article, be treated as in service on the 29th August 1919, even if they joined their appointments after that date.

These rules in the case of officers subject to them replace the rules in Articles 403, 404, 465, 474 (*b*), 475, 476 (*c*), 623, 641 (*c*), 642 and 643:—

The Agricultural Department—Indian and State branches.

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* Chapters not printed.

The Civil Veterinary Department—Officers of and above the rank of Deputy Superintendent.

The Educational Department—Indian and State Services.

Inspectors of the Factory and Boiler Departments.

The Forest Department—Central Service and State Officers of and above the rank of Extra Assistant Conservator.

The State Civil Service—Executive and Judicial (Deputy Collectors, Subordinate Judges and District Munsifs).

The Medical Department—Director of Medical Services and Deputy Director of Medical Services, Civil Surgeons and Civil Assistant Surgeons, Professors of Medical Colleges and Chemical Examiners.

The Public Health Department—Health Officers, and Assistant Directors of Public Health not belonging to the Indian Medical Service or of the Indian Research Department.

The Police Department—Imperial Service Officers and Deputy Superintendents.

The Public Works Department—Officers of the Indian Service of Engineers and of the Provincial Engineer Service. The Joint Estate Officer.

The Registration Department—Officers of or above the rank of District Registrar.

The Excise Department—Officers of and above the rank of Inspectors.

The Survey (Andhra Pradesh) Department—Directors and Assistant Directors.

The Jail Department—Officers of and above the rank of Superintendent.

Director, Government Press.

Port Officers, not belonging to the Royal Indian Marine.

Judges of the Small Cause Court.

Presidency Magistrates.

City Civil Judge.

Superintendent of Government Museum.

Registrar (when not held by a member of the I.C.S.), High Court.

Master, High Court.

Deputy Registrar, High Court.

Assistant Registrars, High Court.

Official Referee.

The Director, Central Record Office.

The Forest Engineering Service.

Deputy, Under and Assistant Secretaries to Government.

Agricultural Engineers in Pensionable service.

Any other officer eligible for an additional pension under Article 475-A.

* Administrator-General and Official Trustee.

Examiner of Local Fund Accounts.

Secretary, Andhra Pradesh Public Service Commission.

(2) The Government of India may include in the list in clause (1) any gazetted services or appointments, the duties of which are so important that they cannot be regarded as subordinate.

NOTE.—(An officer who does not hold substantively one of the appointments mentioned above, but who by rendering officiating service counting as effective service in one of the appointments included in the schedule appended to Article 475-A, becomes eligible for an additional pension, is entitled to the benefits of this Article provided in the case of officers who were in service on 29th August 1919 they have definitely elected the rules referred to in the preamble of the Article.)

Ruling.

The holders of the appointments mentioned below are eligible for the benefits of the New Pension Rules promulgated by the Government of India, Finance Department, in their Resolution No. 1085-E.A., dated 15th November 1919, recorded in G.O. No. 729, Public, dated 15th December 1919:—

(i) Two appointments of Assistant Commissioners of Police in the Hyderabad City; and

(ii) Assistant to the Deputy Inspector-General of Police, Railways and C.I.D.

[G.O. No. 271, Finance (Pension), dated 26th June 1926. A.G.'s case Pen. Mis. No. 3–9 of 1926–27.]

349-AA. Article 349-A does not apply to an officer (1) who entered Government service on or after the 1st October 1938 or (2) who, having entered such service before that date, did not hold a lien or a suspended lien on a permanent pensionable post before that date or (3) who is transferred on or after the 1st October 1938, permanently from service under a State Government or a Local Fund administered by Government to service under the Governor-General in Council and did not hold a lien or suspended lien on a permanent pensionable post under the State Government or the Local Fund before that date.

* This applies only to officers appointed on or after 19th January 1937 as Administrator-General and Official Trustee, and who are not members of the Indian Civil Service.

In the case of such officers, the rules in Articles 465-AA, 474-AA and 475-AA replace the rules in Articles 465, 465-A, 474-A, 475, 475-A and 623.

350. The pensions of all other officers are regulated by the rules in this part : Provided that it is open to a Local Government to rule that the service of any class of officers serving under it does not qualify for pension.

1. Service in Dak Bungalow and District Garden Establishments does not qualify.
2. The service of a Patwari, whether appointed before or after the abolition of the Patwari or Village Officers' Cesses and Funds, does not qualify in any case in which it did not qualify prior to that abolition.

Ruling.

As early as 1897, the Government declared certain classes of Government servants ineligible for pension, but till 1910, no general principles had crystallized. After correspondence with the Government of India, G.O. No. 442, Financial, dated 8th October 1910, and G.O. No. 228, Financial, dated 9th May 1911, were issued stating the general considerations which should apply. Pensionary rights and leave and such other privileges need not necessarily be granted to menials employed in Government offices. They come and go as the service and wages suit them, and the terms of their employment vary with the personnel and the times. It is often found difficult to induce them to remain for any length of time in an appointment of a fixed pay, and when vacancies occur, substitutes often cannot be obtained for the same remuneration. While respecting vested rights, and recognizing exceptions wherever they are found necessary, the Government have from time to time given, as far as practicable lists of the classes of Government servants who are ineligible for pension. A chronological summary of the various orders, classified by departments, is given below:—

I.—1897–1910 (*G.O. No.* 489, *Pension, dated* 3*rd July* 1897).

(*a*) The following posts (with others not specified) in all departments whose wholetime services are not retained for the public service are non-pensionable:—

(1) Lamp Lighters.
(2) Totis.
(3) Scavengers.
(4) Sweepers on less than Rs. 4 per mensem.
(5) Punkah-pullers.

(*b*) 'Gardeners' who are menial servants in any department, and European Gardeners recruited under the special conditions of appointment, are not 'gardeners' for the purpose of this rule. (G.O. No. 489, Pension, dated 21 August 1875 and G.O. No. 155, Pension, dated 9th April 1910.)

(*c*) Other menial Government servants engaged after 3rd July 1897 who are the incumbents of the following classes of menial offices:—

(1) Watchmen, watermen, cooks in Police hospitals.
(2) Cook, masalchi and ward coolie in the Jail department.

N.B.—(Service of the future incumbents of the class of cooks in other Departments also.)

(3) Iceman, masalchi, lascar, bathman, bricklayer, puckaly, butcher, carpenter, gardener, bearer, servant, headman, kitchen woman, blacksmith, nurse's maty, cooke, ayah, waterman or waterwoman, barber and cleaning man of the Medical department (G.O. No. 145, Pension dated 28th February 1899)

(4) Male sweepers in the Government Press, G.O. No. 799, Public, dated 28th September 1908

(5) Waterman, scavengers, handcartmen and watchmen of the Public Works department.

(6) Night peons, masalchis, conductresses, gardeners, water Brahmans, water carriers, watermen and waterwomen of the Education department.

(7) Collecting taxidermist, gardeners, waterpandal Brahman, night watchman and chockra of the Museum establishment.

(8) Service as tailor or dhobi (G O. No. 145, Pension, dated 28th February 1899).

(9) Establishments paid wholly from the labour transport fund [section 218 (2) of the Assam Labour and Emigration Act II of 1901 and heads XXVI. Emigration fees and 37. Miscellaneous Departments —Emigration Internal] (G O. No. 626, Public, dated 26th July 1904.)

II.—1910—1920.

The following classes of menials entertained on or after 1st October 1910 are ineligible for pension under the orders promulgated in G.O. No. 442, Financial, dated 8th October 1910. (G.O. No. 228, dated 9th May 1911, emphasizes that the list is not exhaustive but that the principle enunciated in the G.O. No. 442 of 8th October 1910 should be extended to all menial servants of the classes mentioned below by whatever designation they may be called.) Exceptions recognized by Government have been indicated wherever convenient, but for the general exception see III below:—

Classes.	Departments Attached.
(*a*) 1 Sweepers. 2 Scavengers. 3 Lamp lighters or masalchis. 4 Totis. 5 Punkah pullers. 6 Cooks. 7 Dhobis 8 Tailors 9 Gardeners	All departments and offices.
(*b*) 1 Watchmen (including night watchmen or peons).	Police hospitals, Public Works department excepting the watchmen for the Secretariat offices. Education department and Government Museum.

Note to item (a) 3.—All masalchis of the Revenue department and those lamp lighters who were in service on 3rd July 1897 and who were designated as masalchis in G.O. No. 515, Revenue, dated 9th September 1898, hold pensionary rights until they were

withdrawn in respect of future incumbents by the orders in G.O. No. 142, Finance, dated 8th October 1910.

(G.O. No. 2322, Revenue, dated 2nd December 1930.)

Exceptions to item (b) 1.—The following are eligible for pension .—

(i) Watchers (designation to be altered into 'peons') in Government Girls' Schools (G.O. No. 248, Education, dated 27th April 1911).

(ii) Night watchmen of the Registration department. (G.O No. 264, Finance, dated 29th May 1911.)

(iii) Gollahs employed in district treasuries (G.O. No. 436, Finance, dated 12th July 1912).

2	Watchmen including waterwomen, water-carriers, water Brahmans and puckalis.	Police hospitals, Medical department, Public Works department, Education department, Government Museum and Veterinary dispensaries.
3	Ward attendants	Veterinary dispensaries
4	Ward coolies ..	Jail department
5	Iceman ..	
6	Lascars	
7	Bathmen	
8	Bricklayers ..	
9	Butchers ..	
10	Carpenters	
11	Bearers ..	Medical department
12	Servants headman	
13	Kitchenwomen	
14	Blacksmiths	
15	Nurse's maties	
16	Coolies ..	
17	Ayahs	
18	Barbers ..	
19	Cleaningmen	

Exception to item 19.—Full-time totis in Government hospitals are entitled to pension from 2nd September 1920 [G.O. Ms. No. 466. L. & M. (Medl.), dated 2nd September 1920] while those in Lunatic Asylums from 4th March 1922 [G.O. No. 402. P.H. (L.S.G.). dated 21st March 1922].

20	Hand cartmen ..	Public Works Department
21	Lascars ..	

Exception to item 21.—(i) Lascar, boatmen, lightkeeper at Adirampatnam and flag lascars at Vakalapudi and Ponnani (G.O. No. 436, Finance, dated 12th July 1912).

(ii) Minor Irrigation lascars (G.O. No. 26, Finance, dated 11th January 1912).

(iii) Posts of 'gate-keepers' and 'office-boy' in Public Works department the latter to be designated as 'reference picker,' so also the appointment of Press Messenger in the Public Works Department Secretariat (G.O. No. 27, Finance, dated 11th January 1915, and G.O. No. 716, W., dated 2nd September 1914).

22	Conductresses ..	Education department.
23	Chokra	Government museum.
24	Syces	State Police Training Schools and colleges.
25	Grass cutters.. ..	
26	Farriers	
27	Chuckler	

Exception.—Bellows boys in Central Recruits' School, Vizianagaram

(G.O. No. 196, Finance, dated 11th March 1913.)

28	Malichowkidars	Those appointed on or after 8th August 1910 only.)

(G.O. No. 73, Ecclesiastical, dated 8th August 1910.)

29	Chainmen from 1st June 1912 only.	Municipal Town Survey establishment.
30	Establishments of Official Receivers	Within the local limits of the jurisdiction of District Courts.

NOTE.—Service as elephant's servants in the Agency tracts (G.O. No. 136, Finance, dated 12th July 1912), is pensionable.

III. The pensionary rights of incumbents mentioned under II, but who were in service on 1st October 1910 have been safeguarded and their names included in the orders quoted below and in other Government Orders issued from time to time with reference to paragraph 4 (ii) of G.O. No. 442, Finance, dated 8th October 1910

(G.O. No. 436, Finance, dated 12th July 1912, G O. No 507, Finance, dated 15th August 1912, G.O. No. 804, Finance, dated 21st December 1912, G.O. No. 196, Finance, dated 11th March 1913 and G.O. No 27, Finance, dated 11th January 1915.)

NOTE.—Full-time totis in Government hospitals are entitled to pension from 2nd September 1920 while those in Lunatic Asylums from 4th March 1929. Vide exception to item 19 under II.

IV. With the exception of the following, totis employed in Government institutions have agreed to forego their rights to pension and preferred the bonus scheme offered in G.O. No. 938, P.H., dated 14th April 1930. No pension will be admissible to persons employed in future. This order takes effect from 1st October 1929.

Chittoor district—

Headquarters Hospital, Chittoor—
Muniamma (female).

Cuddapah district—

Government Hospital, Proddatur—
Panchalugadu (male).

Guntur district—

Headquarters Hospital, Guntur—
(1) A. Dadi (male).
(2) B. Pothadu (male).
(3) T. Lakshmi (female).

Nellore district—

Government Hospital, Atmakur—
R. Venkatigadu (male).

Visakhapatnam district—

Mental Hospital, Waltair—
(1) R. Polliah (male).
(2) A. Madewa (male).
(3) A. Lakshmiah (male).

(G.O. Ms. No. 938, P.H., dated 14th April 1930, Surgeon-General's letter No. P. 242 of 1930, dated 28th October 1930. A.G.'s Case No. Pen Mis. 3–20 of 1930-31 and also S.G.'s letter No. 62597 G1/50, dated 19th July 1950 and 25th July 1950).

V No pension shall attach to the office of Member of the Andhra Pradesh Public Service Commission as such, but in the case of a member who on the date of his appointment was in the service of the Government, service as Member shall count for pension under the rules applicable to the service to which such Member belongs and shall, unless the Member be a member of the Indian Civil Service or entitled to a pension under Army Regulations, also count (a) in the case of the Chairman, for the higher additional pension and (b) in the case of other Members, for the lower additional pension, under Article 475-A, Civil Service Regulations.

[G.O. No. 816, Public (Reforms), dated 1st May 1936, G.O. No 636, Public (Reforms), dated 1st April 1937. A.G.'s Case P.V. 6-20 of 1936—38].

NOTE 1.—The intention of Regulation 9 of the Public Service Commission Regulations, 1937, is that in respect of non-officials including Government pensioners appointed to the Commission, no pension shall attach to the office of Chairman or Member as such, but in the case of officers who were in service at the date of their appointment to the Commission, service as Chairman, or Member shall count for pension though they may not retain a lien on their previous pensionable posts.

[Public (Services) Department Memoranda No 8816-6, dated the 2nd August 1941 and No 12254-42-4, dated the 18th May 1942.]

NOTE. 2.—When an officer appointed by the Secretary of State or the Secretary of State in Council other than a member of the Indian Civil Service who is not eligible for any special additional pension or is eligible only for the lower additional pension in respect of his post in the regular line is appointed as a Member or Chairman of a Public Service Commission under section 316 of the Constitution of India the sanction of the President of Republic of India is necessary to the grant to him of the special additional pension on a scale higher than that admissible to him in his regular line. The rules in the Madras Public Service Commission Regulations, 1937, should be read subject to the limitation mentioned above.

(Government of India, Home Department, letter No. 35 / 31 / 39-Estts., dated 20th July 1940.)

VI. The permanent post of Financial Adviser to the Chief Commissioner of Coorg is non-pensionable.

(Government of India, Home Department, letter No. 178/39-Estts., dated 9th March 1940.)

VII. The establishment (clerks and peons) of Official Receivers has been made pensionable from 1st April 1929. Past service in the Official Receivers' establishment prior to that date will not count for leave and pension.

[G.Os. No. 1500, Law (General), dated 28th March 1929, and No. 416, Law (General), dated 30th January 1931.]

VIII. If a Government servant is transferred from a permanent pensionable post to a permanent non-pensionable post carrying Contributory Provident Fund benefits, special orders of Government are necessary to protect the pensionary rights of the officer.

(G.O. Ms. No. 1474, Development, dated 24th June 1940.)

IX. Rules regarding the grant of gratuities (retiring and invalid) to persons in non-pensionable service, including those paid from contingencies and members of the work-charged establishments, are reproduced in Appendix 3 to this Code.

X. A person who has completed 45 years of age, if appointed by direct recruitment to the post of Sergeant in Government Colleges, shall

not be eligible for any pension—Vide rule 6 under Part II, Class XVI of the Andhra Pradesh General Subordinate Service Rules.

(G O Ms No 1039, Education and Public Health, dated 12th July 1944.)

351. Future good conduct is an implied condition of every grant of a pension. The State Government and the Government of India reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

The decision of the Government of India on any question of withholding or withdrawing the whole or any part of a pension under this Regulation shall be final and conclusive.

NOTE —(This rule is applicable to all the officers, enumerated in Article 349 except Judges of the High Courts, Bishops, Army Veterinary Officers of the Civil Veterinary Department and members of the Civil Service appointed before 16th January 1904.)

Rulings.

SANCTION OF PENSIONS.

1. Under the rules, as they stand, a pension once sanctioned cannot be reduced or withheld for grave misconduct committed before but discovered after retirement. As a primary precaution, steps should therefore be taken to ensure that a Government servant concerned in any loss or irregularity, which is the subject of an enquiry, is not inadvertently allowed to retire on pension, while the enquiry is in progress and the authority investigating the case should immediately inform the Accounts or Audit Office responsible for reporting on his title to pension and the authority competent to sanction pension. It will be the duty of the latter to make a note of the information and to see that pension is not sanctioned before either a conclusion is arrived at as regards the Government servant's culpability, or it has been decided by the sanctioning authority that the result of the investigation need not be awaited.

(Government of India, Finance Department No D.-243-A. dated 21st June 1929, and G.O. No. 597, Finance, dated 16th September 1930.)

2 The Government of India have decided that there is no objection to a pension which has once been reduced or withheld under this Article being restored subsequently.

(G O. Ms. No. 35, Finance, dated 6th January 1953.)

*** 351-A.** The Governor-General in Council reserves to himself the right to order the recovery from the pension of an officer who entered service on or after 23rd February 1939 of any amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service :

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* Made by the Governor-General-in-Council and applies to officers who entered service on or after 23rd February 1939.

Provided that—

(1) such departmental proceedings, if not instituted while the officer was on duty—

(i) shall not be instituted save with sanction of the Governor-General in Council;

(ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty whichever is later ;

(iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and

(iv) shall be conducted by such authority and in such places, whether in India or elsewhere, as the Governor-General in Council may direct;

(2) all such departmental proceedings shall be conducted, if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(3) such judicial proceedings, if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (1).

351-A. *The State Government reserve to themselves the right to order the recovery from the pension of any officer who is a membei of a State or Subordinate Service any amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service :*

Provided that—

(1) *such departmental proceedings, if not instituted while the officer was on duty,—*

(i) *shall not be instituted, save with the sanction of the State Government ;*

(ii) *shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty, whichever is later ;*

(iii) *shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and*

(iv) *shall be conducted by such authority and in such place whether in India or elsewhere, as the State Government may direct ;*

(2) all such departmental proceedings shall be conducted, if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(3) such judicial proceedings, if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause 1.

[G.O No 545, Finance (Pension), dated 21st August 1939, and G O No. 914, Finance Pension), dated 20th September 1948.]

NOTE. 1 —As soon as proceedings of the nature referred to in the above article are instituted, the authority which institutes such proceedings should, without delay, intimate the fact to the Audit Officer, concerned

[Government of India, Finance Department Notification No. F. 6 (8) R. II/39, dated the 26th May 1939, recorded in G. O No. 370, Finance (Pension), dated 13th June 1939.]

NOTE 2.—The Government direct that in every case of deduction from pension under the above rule, the greatest care should be taken to see that the amount of pension left is adequate for the pensioner's maintenance and that in any case the portion withheld should not ordinarily exceed one-third of the amount of pension.

Section II.—Cases in which claims are inadmissible.

352. In the following cases no claim to pension is admitted :—

(*a*) When an officer is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.

(*b*) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month's notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month.

(*c*) When a person's whole time is not retained for the public service, but he is merely paid for work done for the State.

This clause applies, among others, to the following officers:—

Advocate-General, Solicitor to Government, Government Pleaders and Law Officers not debarred from private practice, Sheriffs in Presidency towns, Coroners, Roman Catholic Priests.

(*d*) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (*c*) or in respect of duties paid for by a Local Allowance.

(e) When an officer serves under a covenant which contains no stipulation regarding pension, unless the Government of India specially authorizes an officer to count such service towards pension.

NOTE.—[Secretary of State's Despatch No. 255, dated 26th July 1877— "I have considered in Council your Financial letter, dated the 4th June last, No 155, regarding the insertion, in contracts with mechanics and others engaged in England for service in India, of a clause stipulating that their service under covenant shall, if the Government of India think fit to re-engage them, count as service towards leave and pension under (ordinary) rules

"Your Government are of opinion that the arrangement should apply to all such persons engaged under covenant or contract in England for the public service in India under all circumstances, and for all departments, and you express a desire that the covenants should 'be carefully worded, so as to preserve inviolate the indefensible right of the Government to modify either Leave or Pension Rules from time to time, at their discretion, so that no claims may arise to the benefits of either Code of Rules as it stood at the date when any particular covenant was executed"

"Covenants with mechanics and others engaged for service in India will accordingly in future be prepared containing provisions to the effect recommended by your Government".]

Misconduct or Inefficiency.

353. * No pension may be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but to officers so dismissed or removed compassionate allowances may be granted when they are deserving of special consideration; provided that the allowance granted to any officer shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate:

† Provided further that no allowance shall be granted to an officer under the rule-making control of the Secretary of State for India in Council without his sanction.

NOTE.—Cancelled (with effect from the 18th June 1935).

Ruling.

SUSPENSION NOT FOLLOWED BY REINSTATEMENT.

If an officer is suspended and applies for pension without being reinstated, he is not eligible for any pension without the orders of Government.

(Government of India, Finance Department No. 5373-P., dated 27th November 1899.)

UNFITNESS FOR FURTHER ADVANCEMENT.

353.-A When an officer, belonging to one of the following services, who is proved to be unfit for further advancement, is removed from service by the Secretary of State on the

* This revised Article takes effect from the 18th June 1935.

† The second proviso to Article 353 has not been adopted by the Governor-General in Council for his own services.

recommendation of the State Government and the Government of India, he may, with the sanction of the Secretary of State, be granted a pension not usually exceeding, and not necessarily so great as, that which would have been admissible to the officer if he had been invalided on medical certificate. In making their recommendations in such cases, the Government of India and the State Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the officer if he was invalided on medical certificate :—

(*a*) The Indian Civil Service.

(*b*) The Indian Political Department.

(*c*) The Indian Finance Department (General List, including the Public Works List).

(*d*) The Indian Police.

(*e*) The Imperial Customs Service.

(*f*) The Post Office of India and the Indian Telegraph Department.

(*g*) The Geological Survey of India.

(*h*) The Engineering establishment of the Indian Public Works and State Railway Departments.

NOTE 1.—(In the case of the military officers belonging to the Indian Political Department the pension recommended will be based on the amount of retiring pension which an officer might have earned at the time under the Army Regulations).

NOTE 2.—(In the case of officers belonging to a class which is neither wholly nor partly recruited by the Secretary of State, the removing authority will be the Government of India.)

NOTE 3.—(In the case of Royal Engineer Officers of the Public Works and State Railway Department, the enforcement of the rule will take the form of requiring the officers to vacate their civil appointments and revert to military duty.)

CLAIMS OF WIDOW.

354. (*a*) It being the duty of every Government officer himself to provide for his family, the Government recognizes no claim by a widow on account of the services of her husband, and is almost invariably under the painful necessity of rejecting recommendations made in contravention of this rule.

(*b*) The submission of such recommendations, save under very extraordinary circumstances, is disapproved, as calculated only to give rise to hopes which cannot be fulfilled.

NOTE 1.—(In a Despatch No. 36, dated 17th November 1841, regarding the establishment of the Bengal Uncovenanted Service Family Pension Fund the Court of Directors observed.—" In reference to the causes which may have operated to keep

back subscribers, the Directors advert to a reliance supposed to be placed on the special exercise of our bounty in favour of the families of deceased servants. Whether or not such reliance have any effect in discouraging subscriptions to the Fund, it is most important to the interest of the families of our uncovenanted servants that it should not be indulged. In our Despatch, dated the 16th October 1839, No. 31, we called your attention to the fact that the rules restricted the grant of pension to the family, or any member of the family, of a deceased servant, to cases where the servant shall have been killed in the exercise of his public duty, or shall have died in consequence of wounds or accidents sustained therein except in special cases justifying extraordinary indulgence, and which are of very rare occurrence The belief therefore that the fact of the person dying in our service gives his family a claim to pensionary provision (if such belief exist), is a delusion which may be productive of very painful consequences, and which for this reason, we feel it an imperative duty to endeavour to dispel. We observe that the Committee of the Fund have taken some pains to make our views on the point generally known; and in thus acting, they have contributed not only to promote the interest of the Fund but to render valuable service to their brethren by disabusing their minds of a dangerous error)"

NOTE 2.—(In a Despatch No. 52, dated 8th February 1870, the Secretary of State remarked that "grave objections exist to the grant of special pensions to the families of uncovenanted servants, every such grant forming a precedent which is quoted in support of subsequent applications with less claims to consideration)."

LIMITATIONS.

355. (*a*) An officer cannot earn two pensions in the same office at the same time, or by the same continuous service.

(*b*) Two officers may not simultaneously count service in respect of the same office.

MILITARY SERVICE.

356. (Old),—Service which is pensionable under Military Rules does not count; and an officer who is counting service for Military pension cannot simultaneously count service for Civil pension. The following exceptions have been made to the provisions of this article:—

(1) Military Hospital Assistants and Enlisted Native Doctors are excluded, by this article, from pension under these regulations; but a Military Hospital Assistant or Native Doctor promoted to be an Assistant Surgeon, or who, under resolution in the Home Department, No. 16, dated 9th January 1878, is transferred to the Civil Branch of the Subordinate Medical Service, counts service retrospectively from the date on which he passed his examination as Hospital Assistant or Native Doctor, as the case may be, irrespective of the particular age at which the examination may be passed [*See* Articles 358 (*a*) and 359 (3)].

(2) In the Public Works or Railway Department, Departmental Commissioned Officers holding the rank of Commissary, Deputy Commissary and Assistant Commissary, Warrant Officers in the grades of conductor and

sub-conductor, and Non-Commissioned Officers must, when promoted to the Engineer establishment, take their discharge from the Army, and their whole departmental service then qualifies retrospectively. This exception does not apply to Warrant Officers who receive Commissions and are promoted to be Assistant Engineers, under Public Works Code, Volume I, Chapter II, paragraph 224.

(3) A non-commissioned officer or soldier, whether attached or unattached, cannot count service for civil pension until, with the consent of his Civil departmental superior, he is discharged from the Army, when he may count his civil service for one year retrospectively.

NOTE 1.—(This rule does not apply to soldier-clerks in Military offices. But if such a clerk is afterwards employed in the Civil department, he may count his service in the Military office, provided that he takes his discharge within twelve months after joining his appointment in the Civil department and provided that service in a Military office was such that if rendered in the Civil department it would have satisfied the conditions of qualifying service under these regulations. The twelve months' limit may, in special cases, be relaxed by the Government of India. The term ' Military office ' as used in this note refers to the following offices:—

Army Headquarters offices,

Northern and Southern Army offices,

Divisional offices,

Brigade offices and

The late Command, District and First-class Station Staff offices prior to 1st June 1907.)

NOTE 2.—(A native non-commissioned officer employed in the Forest department, promoted from the Subordinate to the Provincial Service, will, if at the time on the unattached list, be required to take his discharge from the Army. He will then count for civil pension his whole departmental service with the addition of twelve months of the period of instruction at the Forest School.)

(4) The pension of a native soldier placed on the unattached list for employment in the Civil department under the provisions of G.O. No. 260 of 1865, G.O.C.C. No. 289 of 1867, India Army Circular, clause 126 of 1881, and India Army Circular, clause 100 of 1885, and an officer of the Indian Subordinate Medical Department in civil employment (*see* Special Army Circular, dated 16th July 1884, paragraph 36), is a civil or a military charge, according as the greater portion of the officer's or soldier's service is in the Civil or the Military department.

(5) An Indian Commissioned Officer entering civil employ in departments other than the Police department, and serving therein for not less than ten years, counts for civil pension such period of his military service as he has rendered since the age of 24 years, subject to the limitation that the military service allowed so to count shall in no case exceed ten years.

(6) All ex-soldiers, whether British or Indian, and Indian Commissioned Officers, who are employed in the Police and have served therein for not less than ten years, or for less than ten years if invalided before completing this period, count for civil pension such period of their military service (including service in the Militia and Frontier constabulary in the North-West Frontier Province) as has been rendered after the age of 20 years, subject to the limitation that the military service allowed so to count shall in no case exceed ten years.

NOTE.—(Exception 6 applies also to those officers of the military police who do not enjoy a similar or more liberal concession under other rules in these regulations.)

Rulings.

1. Under Note 5 to the revised Article 356, employees who were in service in the Civil department on 22nd February 1921 are eligible to count service under the rules in force before that date, where those rules are more advantageous to them.

2. In ordinary cases military service which has already earned a pension cannot be allowed to count towards civil pension, but in special circumstances the Secretary of State has authorized the Government of India to permit the quite exceptional course of cancelling the military pension and reviving the service. The Government of India consider that in cases in which the concession is allowed the rule as to the conditions on which previous military service should count should be anologous to those contained in Articles 511-514, i.e., any gratuity which has been received should be refunded whereas pensions should cease but the amount intermediately drawn need not be refunded.

Government of India, No. F. 91/23-Police, dated 10th October 1923, recorded in G.O. Mis. No. 579, Judicial (Police), dated 29th October 1923.]

3. Service in the Army Reserve is not pensionable under military rules except when the non-commissioned officer or soldier concerned is recalled to the colours before taking his final discharge, and an officer not so recalled can count his service in the Civil department while he was in the Army Reserve provided it is otherwise qualifying.

(Government of India No. 6838-P., Finance and Commerce, dated 28th October 1904.)

4. A person permanently appointed to the Civil Police force or to a post in the Jails department of an administration subordinate to the President of the Republic of India who before such appointment, has served, in the reserve of the Indian Army, may, if his military service, whether or not including service with the colours in addition to service in the Reserve was pensionable under military rules but terminated before he had qualified for pension be permitted at the discretion of the head of the administration and subject to the provisions contained in Article 356 to count for civil pension the whole of his service with the colours, if any, and half his service in the reserve.

[Government of India, Finance Department, Notification No. F. 11 (23)-R-II/35, dated 26th September 1935.]

5. The intention of the above rule was to allow half of reserve service to count only in the case of Indian Army Reservists and not in the case of soldiers of the British Army transferred to the Army Reserve in India.

Government of India, Finance Department, No F-11-XVII-R-II/34, dated 29th October 1934, G.O.s. No. 845, Finance (Pension), dated 10th December 1934, No. 890, Finance (Pension), dated 13th November 1935.]

6. A soldier-clerk can under Note 1 to Article 356 (3) get the benefit of counting permanent service in a Military office, but his temporary service will not count under Article 376 for his officiating service, unless the conditions of Article 371 are fulfilled.

(L.S. Pen. No. 903, dated 2nd March 1907 and U.O. No. 326, dated the 4th November 1908.)

7. Service rendered by a soldier in any of the following Military offices should be deemed to be service in a Military office for the purposes of calculating service towards civil pension and shall be taken into account accordingly:—

(i) Army headquarters.

(ii) Northern or Southern Army office.

(iii) Divisional office.

(iv) Brigade office.

(v) The late Command, District and First-class Station Staff offices prior to 1st June 1907.

(C G. Nos. 710-A and A. 346-12, dated 9th October 1912, communicating Government of India No. 1070-P., F.D., dated 9th September 1912.)

8. Note 1 to Article 356 (3) admits of soldier-clerks employed in Military offices who are afterwards employed in Civil departments, counting their service in Military offices towards civil pension provided they take their discharge from the army within twelve months after joining a Civil department. Although the first sentence of the note specifically excludes soldier-clerks in Military offices from the concession granted by Article 356 (3), the remaining two sentences of the note are applicable to such men irrespective of whether they belong to British or Indian Units. As, however, the term Military office can only be applied to an office other than a regimental one, an Indian clerk who is employed in a regimental office and is subsequently selected for employment in a Civil department, or in a civil capacity can only count service for civil pension from the date he joins his civil appointment. The only service that can be reckoned towards civil pension is that rendered in an unattached list appointment or in an appointment which is distinct from a regimental one.

(Government of India, Finance Department, No. 6032-C.S.R., dated 6th October 1911.)

9. Employment of troops on Railway, Public and Military Works, including roads, under the Railway Administration, the Public Works Department or the Military Works services shall be regarded as military duty and British soldiers injured in the performance of such duty shall be regarded as eligible for the grant of disability pensions under Article 1085, Royal Warrant for pay, etc., 1909, the British service share of such pensions being borne by Army Funds.

(Public works, No. 165-W., dated 30th January 1912.)

10. An Indian Commissioned Officer (including those who are at present in civil employ) entering civil employ and serving therein for not less than ten years, shall be allowed to count for civil pensions such period of military service as he had rendered since the age of twenty-four years subjct to the limitation that the military service allowed so to count shall in no case exceed ten years.

(Government of India, Finance Department, No. 610-C.S.R., dated 26th June 1913.)

11. Any Indian Commissioned Officer entering civil employ in the State Civil Service or in the Police department and serving therein for not less than ten years, shall be allowed to count for civil pension such period of military service as he has rendered since the age of twenty-four years, subject to the limitation that the military service allowed so to count shall in no case exceed ten years. The principle is applicable to all Indian Commissioned Officers who are at present in civil employ.

(Government of India, Finance Department, No. 774-C.S.R., dated 11th August 1913.)

12. In relaxation of Article 356 British and Indian ex-soldiers employed in the Jail department are permitted to count previous military service as qualifying for civil pension to the same extent and subject to the same general conditions as those sanctioned by the Secretary of State in the case of ex-soldiers serving in the Police department—vide Article 356 (6).

This sanction is subject to the provisions in Article 526 (*b*) and Article 529.

[G.O. No. 2021, Home (Judicial), dated 14th August 1920, Government of India, Finance Department No. 379, Medical, dated 27th April 1920, communicating Secretary of State's sanction.]

13. All ex-soldiers employed in the Medical department in future who have not already earned a pension in the Military department are permitted to count their previous service in the Military department as qualifying for civil pension.

(G.O. Mis. No. 625, Medical, L. & M., dated 6th November 1920, on Government of India, Finance Department No. 379, Medical, dated 27th April 1920.)

14. Note 6 under the old Article 356 does not permit the counting for civil pension of a period of military service rendered outside India by officers attached to British Units.

(C.C.A.'s letter No. T. 314-A/60-29, dated 16th May 1929.)

NOTE 1.—(1) The Secretary of State has decided that ex-service members of the Indian Police who were in service on 30th June 1917 or joined that service before the 22nd February 1921 should be allowed to count for civil pension the whole of their military service wherever rendered and that the pensions of any of them which may have been calculated on a less favourable basis should be re-assessed, the consequent increase in pension having effect from 30th July 1934.

(2) The above decision will apply to—

(*a*) officers of police service under the rule-making control of the Governor-General in Council or of minor local Governments who were in Police service on 30th June 1917 or joined such a service before 22nd February 1921 and who retired prior to the enactment of the Civil Service (Classification, etc.) Rules on 27th May 1930; and

(*b*) officers of police services under the rule-making control of State Governments who were in police service on 30th June 1917 or joined such a service before 22nd February 1921 and who retired prior to the enactment of the Civil Service (Governors' Provinces) Delegation Rules on 9th March 1926.

(3) The Governor-Genera in Council has extended the above concession to similar officers of police services under his rule-making control, who retired on or after the 27th May 1930.

(4) The charge in respect of the enhanced pension will fall on State or Union revenues as the case may be.

(Government of India, Finance Department, No. F. 12-XXXIV-R. 11/33, dated 27th June 1935, A.G.'s Case P.V. No. 4-2 of 1935-36).

(5) It is not the intention that officers concerned who are still in the service of Government should be excluded from the scope of the decision in the above paragraphs or of any corresponding decision on which State Government may make in the matter of extending the concession to officers under their rule-making control. Paragraph (3) above should be read as though for the words " who retired on or after," the words " who retired or may retire on or after ". The decision of the Governor-General in Council takes effect from 30th July 1934 the date from which the concession was granted by the Secretary of State in Council.

(Government of India, Finance Department, No. F. 12-XXXIV-R. 11/33, dated 22nd August 1935.)

(6) The Government have extended the above concession to police officers under their rule-making control who retired or retire on or after 9th March 1926. The revised pension will have effect from the 30th July 1934.

(G.O. No. 708, Finance (Pension), dated 17th September 1935.]

NOTE 2.—(1) The Secretary of State has decided that ex-servicemen who were serving in the Jail and Medical departments on 20th March 1920 or who joined those departments before 22nd February 1921 should also be allowed with effect from 30th July 1934 the concession given to their conferers in the Police department from the date—vide Note 1 above.

(2) The charge in respect of the enhanced pension for military service not paid from Indian revenues will fall on the revenues of the Government under which the officer may be re-employed.

(3) The Governor-General in Council also decided to extend the concession to similar officers of the Jail and Medical departments under their rule-making control who retired or may retire on or after 27th May 1930.

[Government of India, Finance Department No. F. 11 (11) (2)-R. 11/36, date 8th May 1936.]

(4) The Government have extended the above concession to the officers under their rule-making control who were in the Jail and Medical departments on 20th March 1920 or who joined those departments before 22nd February 1921 and who retired or retire on or after 9th March 1926.

[G.O. No. 601, Finance (Pension), dated 13th July 1936.]

15. It is not necessary that Government servant who received a gratuity on discharge from military service should refund that gratuity in order to count towards civil pension the period of military service for which it was paid—vide Note 5 to revised Article 356 and Note 6 to the old Article 356.

16. (*a*) The Secretary of State has decided that a civil officer of Government who was granted civil volunteers terms while serving in the Indian Army Reserve of Officers during the Great War and who after having been invalided from military service, was able to return to his civil employment will be allowed the option of

(1) being treated as regards military pension as a temporary officer in which case his military service will count for civil pension under civil rules, or

(2) being treated as regards military pension, as an officer of the regular army, in which case his military service will not so count.

(b) A civil officer serving under the terms referred to in the previous paragraph who is invalided both from military service and from his civil appointment on account of a disability incurred as a result of his military service will be allowed to draw the military pension admissible to a regular military officer and also to count the period of his military service for civil pension. This decision has effect from the 3rd February 1925, and any consequential adjustment should be made from that date only.

NOTE —The rules, etc., for the grant of pensions to temporary officers are laid down in Army Instructions (India), Nos. 893 and 920, as amended by Army Instructions (India), Nos 992 of 1923 and 607 of 1924. Those for permanent officers are contained in the above mentioned Army Instructions, paragraph 707, Army Regulations (India) Volume I (1915), and Army Instructions (India) No 191 of 1921

[Government of India, Home Department, No. N F. 371/33-Estt., dated 17th December 1925, and G O No. 85, Finance (Pension), dated 2nd December 1926]

MILITARY SERVICE.

356. (Revised).—(*a*) Service rendered by an employee belonging to one of the classes mentioned in Note 2 below, after attaining the age of 20 years, which is pensionable under military rules but which terminates before a pension has been earned in respect of it, may, at the discretion of the Government of India or of the State and Minor Local Governments specified in Part I and II of Appendix I * to these Regulations be allowed to count, when followed by service qualifying for pension under civil rules, as part of such service, provided that any bonus or gratuity received in lieu of pension on, or since, discharge from military service shall be refunded in such number of monthly instalments, not normally exceeding 36 and beginning from such date, as in each case the Government of India, State Government or Minor Local Government, as the case may be, may decide. Service so allowed to count shall, however, be restricted to service, within or outside the employee's unit or department, in India or else where, which has been paid for from Indian revenue or for which a pensionary contribution has been received by Indian revenues.

(*b*) Service pensionable under military rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under civil rules without the sanction of the Secretary of State in Council.

NOTE 1.—(An officer, ex-soldier or ex-airman will not be brought under the operation of this Article as a matter of course. Each case will be decided on its merits, e.g., there may be cases in which it may be open to a claimant for pension to add military service during the Great War to former non-pensionable service in the Army in order to claim the benefit of a military pension In such cases it may be to the advantage of the

* Not printed.

claimant that he should not be brought under the operation of this article The bearing of paragraph 574 of the Pay and Allowance Regulations of the Army in India, Part II, on the position of soldiers of the Indian Army who re-entered during the Great War, deserves consideration in this connection.)

NOTE 2.—This Article applies to Indian Commissioned Officers, Non-Commissioned Officers and men of the Indian Army * (and of the Frontier Constabulary and Militias) and to non-combatant departmental and regimental employees and followers of supplemental services. It also applies to warrant and Non-Commissioned Officers and men of the British Service, and to warrant officers and departmental officers of the commissary and assistant surgeon classes.

NOTE 3.—To be eligible for the concession in this article the individual concerned should take his discharge from the Army or Royal Air Force within twelve months of the date of his confirmation in the appointment pensionable under civil rules. This limit may, in special cases, be relaxed by the Government of India.

NOTE 4.—Employees in the Military Police have the option of counting service under any other rules in these regulations which would give them a similar or more liberal concession.

NOTE 5.—(Employees who were in service in an appointment pensionable under civil rules on the 22nd February 1921 are eligible to count service under the rules which were in force before that date where these rules are more advantageous to them.)

† NOTE 6.—(A person permanently appointed to the Civil Police force or to a post in the Jails Department of an administration subordinate to the President of the Republic of India who before such appointment has served in the reserve of the Indian Army, may, if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military rules but terminated before he had qualified for pension be permitted at the discretion of the head of the administration and subject to the provisions contained in this article to count for civil pension the whole of his service with the colours, if any, and half his service in the reserve.)

Rulings.

1. (*a*) The general principle governing the substantive provisions of this article is that though the service conditions for a pension in the Army are different from those in the Civil department yet this is not a valid ground for not allowing military service to count for civil pension. The general limitations to be recognized however are—

(i) An employee cannot earn two pensions in the same office at the same time, or by the same continuous service, (ii) an employee's service does not in the case of superior service qualify till he has completed 20 years of age, (iii) service which is Last grade does not count for pension on the superior scale.

(Government of India, Finance Department Letter, to the Secretary of State No. 247, dated 3rd June 1920.)

(*b*) (i) An officer or soldier of the British Army taking up civil employment on the terms of this article would forfeit all claims to pension or gratuity, whether from Indian or Imperial revenues, in respect of the non-Indian portion of his military service.

(ii) A soldier who was discharged from the British Army without a pension and was subsequently re-enlisted for service in the British Army in the Great War can count the combined periods of service for military pension But such a person, if now in the employment of Indian Government cannot impose any liability on Indian revenues for the

* The words within bracket occurring in note 2 have effect from 28th May 1929.

† This note has been made by the Governor-General in Council.

period of his service in the Great War (paragraphs 2 and 3 of Secretary of State's Despatch No. 12, Finance, dated 3rd February 1921).

2. This article takes effect from 22nd February 1921, the date on which the Secretary of State's sanction was received by the Government of India.

(Government of India, Finance Department, No. 359-C.S.R., dated 11th March 1921.)

3. (*a*) When the military service of an officer is classified as last grade under the provisions of Article 357, so much of it as was rendered after attaining the age of 16 years may be allowed to count for the purpose of civil pension under Article 356.

(Government of India, Finance Department, Notification No. F. 11-I-R. 11/34, dated 4th January 1934.)

(*b*) The correct procedure when dealing with cases relating to the counting of military service for civil pension is as follows:—

The extent to which service pensionable under the military rules may be allowed to count as part of subsequent civil service qualifying for pension under the civil rules should be determined in accordance with the provisions of Article 356 read with the rule in (*a*) above and the classification of such military service should be determined by the principles laid down in Article 357 as explained below:—

(i) Except to the limited extent indicated in the opening sentence of Article 357 the classification of military service depends not on the character of the subsequent civil employment but in the character of the military appointment in which it was rendered. Military service rendered prior to civil employment has thus to be classified as last grade or superior according as to whether it would have been last grade or superior had it been rendered in a similar appointment pensionable under civil rules.

(ii) Service as a sepoy or service in any equivalent or higher combatant rank should be treated as 'superior' and as a follower as 'inferior' whether such service is followed by 'superior' or last grade civil service.

(iii) Service rendered in any other capacity in an appointment under the Defence Department should be treated as 'superior' or 'last grade' according to the classification of any civil post carrying duties of a similar character.

(iv) Any doubtful cases should be referred to the Government of India for orders.

(v) All Indian Navy ratings are enrolled and are viewed as combatants and their services as such will therefore be considered as 'superior'.

[Government of India, Finance, Department, No. F. 11-(19) R. 11/36, dated 15th July 1936, and G.O. No. 699, Finance (Pension), dated 5th August 1936.]

If the class of the service pensionable under the military rules as thus determined under Article 357 is different for the class of the subsequent civil service as determined under Article 396, then Article 398 should be applied for calculation of the amount of pension.

[Government of India, Finance Department, No. F. 11-I-R. II/34, dated 16th January 1934, and G.O. No. 69, Finance (Pension), dated 31st January 1934.]

4. Service rendered by Non-Commissioned Officers and men of the British service on the Indian establishment with their units out of India with an expeditionary force may be treated as equivalent to military service for purposes of counting for civil pension under Article 356.

[Government of India, Finance Department, No. 334, C.S.R. dated 25th April 1922, and G.O. No. 161, Finance (Pension), dated 20th May 1922.]

5. The case of ex-military men who have rendered service in the British Army elsewhere than in India will be governed by the orders of the Government of India recorded in G.O. No. 274, Finance, (Pension), dated 18th October 1921.

6. Article 356 intends to convey authority to all military service (continous or non-continuous) to count as part of the subsequent civil service even in cases where the military service was followed after a lapse of time by the civil service. Whenever, therefore, an order is passed under Article 356 allowing previous military service to count as part of the service qualifying for civil pension, it should be taken as carrying with it condonation of breaks, if any, in the military service, or the break, if any, between the military service and the civil service.

[Government of India, Finance Department, No. F. 12-XXXVI-R. II/33, dated 23rd December 1933, G.O. No. 204, Finance (Pension), dated 4th April 1934.]

7. A proposal for the counting of civil pension under Article 356 of military service in respect of which a military pension has been earned, should include a full statement of the facts relevant to a decision in particular the pensionary prospects of the officer concerned both if the proposal is sanctioned and if it is not.

[G.O. No. 705, Finance (Pension), dated 20th August 1930, recording Government of India, Finance Department Endorsement No. F. 43-III-R. II/30, dated 7th August 1920, communicating extract of paragraph 4 of the India Office letter No. 1466/30, dated 18th March 1930.]

8. In cases where ex-military men employed in the civil department are eligible to count their previous military service for civil pension under revised Article 356 any bonus or gratuity received in lieu of pension on or since discharge from military service should be refunded in not more than 36 monthly instalments commencing from the date of confirmation in the appointment pensionable under Civil Rules.

The above concession will apply also to officers in the mufassal police similarly situated from whom no recoveries have yet been effected.

[G.O. No. 719, Finance (Pension), dated 2nd September 1929, G.O. Ms. No. 324, Finance, dated 29th April 1930.]

9. Refund of gratuities in lieu of pension on or since discharge from military service by ex-soldiers employed in the police.

War gratuity or bonus is quite distinct from a service gratuity, that is, a gratuity granted in lieu of pension, and the former is never mentioned in discharge certificates. At present no entry is required in these certificates showing the amount of gratuity granted but it often happens that such an entry is made, and in such cases, the entry refers to service gratuity as distinct from 'war gratuity'. The present form of discharge

certificate for Indian soldiers is under revision and provision will be made in the revised form to show the amount of pension or service gratuity which has been granted. This however will not be done in the case of British soldiers whose discharges are carried out under War Office authority. Until such time as the new form for Indian soldiers is in use, it should be ascertained from the officer commanding the unit from which the ex-soldier has been discharged whether the latter was granted a service gratuity or not in all cases in which the discharge certificate contains no entry as to the grant of a gratuity.

[Government of India, Finance Department No. F. 116/11/25-Police, dated 24th March 1926; communicated in Government of India, Finance Department No. F. 105, C.S.R./26, dated 3rd April 1926.]

NOTE.—Arrangements have been made by the Government of India for showing in the revised discharge certificates of Indian soldiers and followers which have recently been issued, the amount of "Deferred pay, pension or gratuity" which may be paid on discharge.

[G.O. Mis. No. 605, Finance (Pension), dated 20th August 1928, recording Government of India letter No. F. 116/128-Police, dated 23rd July 1928.]

10. When once the full repayment of military gratuity is made to Government, the Government servant acquires the privilege of counting the military service for civil pension and getting a higher pension than that he would otherwise be entitled to, with the corresponding liability of losing the gratuity if he does not live to earn a pension or is dismissed from service. This privilege and liability go together and when once the full repayment of gratuity to Government is made and the privilege has accrued and operated for some time, the transaction must be regarded as closed and it is not open to the officer to claim a refund of the gratuity afterwards.

[G.O. Mis. No. 187, Finance (Pension), dated 27th February 1931.]

11. It is permissible under Article 356, to allow military service interspersed between two periods of civil service to count for civil pension provided that the conditions laid down in that article are otherwise fulfilled. The share of pension proportionate to military service in such cases will be borne by the Army department. Before orders are passed by the State Government the military service and the amount of gratuity paid should be verified by the Controller of Military Accounts concerned —Vide Home Department letters No. F. 100-11-33-Police, dated 28th April 1933 and 30th September 1933.

[Government of India, Finance Department, No. D. 1799-R. II/34, dated 10th July 1934, and G.O. No. 472, Finance (Pension), dated 30th July 1934.]

12. The decision of the Government of India in the case of military officers who are placed on the unemployed list and who obtain further employment under any Government or Administration is contained in the ruling under Article 526 (*a*).

Verification of previous military service of ex-soldiers employed in the Civil Department.

13. The Government of India have ordered that in future the previous military service of ex-soldiers employed in the Civil department should be verified by reference to the Military Accounts departments as the responsibility for the verification of such service devolves on that department instead of either from the information contained in the discharge certificates of ex-soldiers or by reference to the Officer in charge of the Regimental records of the Regimental district concerned

[Government of India, Finance Department, No. D/1092-R. II/334, dated 11th May 1933, and G.O. Ms. No. 247, Public (Police), dated 18th May 1933, G O. No 414, Finance (Pension), dated 12th July 1933, and Memorandum No. 30444-1, dated 3rd November 1933.]

14. Heads of Departments and other officers responsible for the record of service of ex-military man subsequently absorbed in Civil employments under them should evolve that pay particulars of such men are obtained from the Audit Officers of the Military department concerned, i.e., Controller of Military Accounts or Field Controller of Military Accounts, as and when they are entertained in civil employment On no account should references to the Military authorities be postponed till the individuals retire from the civil employment; since the records connected with such matters will be preserved only for a period of 12 years and no reply can be furnished by them for want of pay particulars

[Finance Circular Memorandum No 5240-Pension/50-1, dated 4th February 1950.]

357. For the purpose of the foregoing article, service as private or in any higher combatant rank shall be treated as superior if followed by superior service in an appointment pensionable under civil rules. In other cases, military service shall be treated as superior or inferior according to the character of the appointment in which it was rendered, and with reference to the criteria observed in an appointment pensionable under civil rules. Doubtful cases should be referred to the Government of India who enjoy full powers in the matter.

357-A Civil employees other than those governed by Article 357-B who, prior to their civil employment, have rendered satisfactory paid service between the 4th August 1914, and the 31st August 1921, in Indian Military, Naval or Air Forces, which did not earn a service pension under the Military, Naval or Air Force Rules, shall be allowed to count such military service, including sick leave taken during such service, for the purpose of civil pension, subject to the observance of the following general principles :—

(1) Completed years of military service shall be allowed to count up to a maximum of four years.

(2) In the case of services in which a minimum age is fixed that age shall be allowed to count for pension.

(3) The addition of war service shall not be included in total service under Article 408 of these * (Regulations) for the purpose of counting leave as service for pension, nor allowed in addition to the concession in Article * (403) or 404-A, but any Government servant who may be entitled to the concessions admissible under the latter articles and to the concession in this article, will be allowed to select whichever is more favourable.

(4) British and Indian Military service shall be allowed to count alike for pension and no contribution towards, or share of a pension earned as a result of this concession shall be claimed from the Home Government.

(5) No refund of military bonus or gratuity shall be demanded from the employee.

Rulings.

WAR SERVICE COUNTING FOR CIVIL PENSION.

Concessions have been sanctioned to the following classes of officers in respect of their service with His Majesty's Forces in the Great War of 1914. "Services with His Majesty's Forces" shall mean "any whole-time enlisted or commissioned service between 4th August 1914 and 31st August 1921 the official dates of the beginning and end of the War".

(Government of India, Finance Department, No. 42, C.S.R., dated 12th January 1924.]

(1) Officers belonging to service other than All-India Service.
(2) Officers of the Indian Army Reserve.

OFFICERS OF OTHER THAN ALL-INDIA SERVICES.

1. The concessions in Article 357-A in respect of pensions have been allowed to such persons who after having rendered military service during the war are employed in Civil department of Government and are not eligible for the concessions sanctioned for the candidates for the various Imperial Services and departments who rendered service with His Majesty's Forces during the war. The term 'Military Service' includes service in the Navy and Air Force and is not restricted to Land Forces (Army) only.

(Comptroller and Auditor-General's letter No. 46-A/182-22, dated 12th January 1923.)

2. (*a*) Service paid from Army or Marine or Air Force Funds even though it qualifies for pension under Civil Service Regulations is not civil employ within the meaning of the above Government of India orders—Vide Comptroller and Auditor-General's decision No. 1071-A/184-22, dated 27th October 1923.

(*b*) The official dates of the beginning and end of the Great War are 4th August 1914 to 31st August 1921.

(Government of India, Finance Department, No. 42-C.S.R., dated 12th January 1924.)

* ( ) The words "of these Regulations" and "403 or" occurring in clause (3) of Article 357-A have been deleted in respect of services under the control of the Governor-General in Council with effect from 24th February 1938.

3. Civil employees who prior to their civil employment rendered service in the military department even though that service was in a civil capacity shall be allowed to count that previous service for civil pension either under Article 356 (old or revised) if such previous service is pensionable under Military Rules or under the orders recorded in G.O. No. 274, Finance (Pension), dated 18th October 1921.

(Accountant-General's decision, dated 12th July 1928 and C.M.A., Poona, letter No. M.R. 65504/5689, dated 11th December 1923.)

3-A. The concession of counting former military service under Article 356 or 357-A is applicable only to such service as was regulated under the Military Rules. The 'War Service' rendered by civilians as such does not come within the purview of these rules.

4. The Government of India have decided that in the case of service in which no minimum age is fixed for recruitment, the rule in Article 357-A should be interpreted as follows:—

(*a*) War service rendered after the age of 20 should be allowed to count for civil pension on the superior scale, if the war service was superior.

(*b*) War service rendered after the age of 16 should be allowed to count for civil pension on the last grade scale, if the war service was last grade.

(*c*) War service of the superior category rendered at any age should be allowed to count for compensation gratuity on the superior scale.

(Government of India, Finance Department No. F-12-XVI-R-II/33, 24th August 1933.)

4-A. The Government have decided that the classes of men mentioned below are entitled to count the military service rendered by them in the Great War between 4th August 1914 and 31st August 1921 after the age of 18 years for civil pension under Article 357-A:—

(i) Constables in the district police who retire on or after the 12th July 1938, and

(ii) such persons as were in the Malabar Special Police on or before 26th April 1934 and have re-enlisted in that force under the new terms introduced by G.O. No. 1427, Public (Services), dated the 4th September 1935, and who retire on or after 12th July 1938.

Note under clause (i).—The above concession is extended to any officer of the *Andhra Pradesh Police* Subordinate Service who was originally enlisted as a constable in the Police Force.

(G.O. Ms. No. 441, Home, dated 27th January 1939.)

NOTE 1.—It has been decided by Government that cases disposed of prior to 12th July 1938 treating 20 years as the minimum age of recruitment for police constables will not be reopned as a result of the above orders.

(Finance Department Memorandum No. 27696-Pen.2, dated 22nd August 1939.)

NOTE 2.—It is understood from the Inspector-General of Police that those in the Malabar Special Police on or before 26th April 1934 and resigned the force as unwilling to serve under the terms issued in G.O. No. 1437, Public (Services), dated the 4th September 1935, have all been discharged prior to 12th July 1938.

(G.O. Ms. No. 3426, Home, dated 12th July 1938, and letter No. 1298/Pen./38, dated 31st October 1938, from the Inspector-General of Police.)

5. It has been held by the Government of India with the concurrence of the Comptroller and Auditor-General that the words "which does not ordinarily qualify for a service pension under military rules" in Article 357-A include "service which did not qualify for a service pension" and that therefore a civil employee to whom the provisions of Article 357-A apply, who enlisted for service during the Great War and who left the Army on demobilization at the end of that war, is entitled subject to the conditions in the Article, to count such military service for civil pension irrespective of whether it was pensionable or not under the military rules Such title is subject to the proviso that a military pension had not, as a matter of fact, been earned in respect of it in conjunction with other military service rendered before or after the Great War, cf. in this connexion Note 1 under Article 356. This decision applies only in the cases of civil employees who have retired (or will retire) on or after the 28th May 1929, the date from which the rule in Article 357-A took effect.

[Government of India, No. F. II-XV-R. II/34, dated 6th September, 1934, G.O No. 646, Finance (Pension), dated 29th September 1934.]

6 The Government of India in consultation with the Comptroller and Auditor-General have ruled that the words "Civil employment" in Article 357-A should be regarded as including "Civil re-employment", i.e. a Government servant who had rendered a period of civil service prior to his military service in the Great War is not debarred from the scope of Article 357-A merely because of the fact of his having rendered such civil service prior to military service.

[Government of India, Finance Department, No. F. II-4-R. II/35, dated 15th February '935, G.O. No. 190, Finance (Pension), dated 6th March 1935.]

7. (1) In the case of a civil employee who had rendered satisfactory paid military service in the Great War in addition to military service pensionable under the Military Rules before or after such war service but who did not earn a pension by his war service in conjunction with his other military service, the Government of India have decided that that portion of the military service which was rendered before or after the war service should be dealt with in accordance with the provisions of Article 356.. The war service portion (i.e., the period of service rendered between 4th August 1914 and 31st August 1921) should, however, be dealt with under Article 356 or 357-A whichever may be more advantageous to the officer concerned. So far as this period is concerned, the officer should be allowed an option between the application of the one or the other article, subject, of course, to the limitations prescribed in the respective articles. If the war service is counted under Article 356 the whole of it will count, but if under Article 357-A, only completed years up to a maximum of four years; and in the latter case the residue of war service cannot then be counted under Article 356. The option should be based on the assumption that the State Government would give the maximum benefits permissible under Article 356. If a State Government is, in exercise of its discretion, not prepared to give the maximum under that Article, it should inform the officer as to what it is prepared to allow before he is asked to opt.

(2) If the entire military service including war service is dealt with under Article 356, the whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) will have to be refunded by the officer concerned. If, however, the portion which was war service is dealt with under Article 357-A and the rest of the military service before or after the war under Article 356 *ibid*, the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received *in lieu of pension* as the period dealt with under Article 356 bears to the total period of military service including the period of war service.

(3) For the purposes of the above instructions, it is immaterial whether or not there was a break between the war service and the other military service.

(4) These orders apply only to civil employees who have retired or may retire on or after the 28th May 1929, the date from which the rule in Article 357-A took effect and any cases which have been disposed of in accordance with any other interpretation should be re-examined and revised orders issued, if necessary.

[Government of India, Finance Department, No. 11 (24)-R. II/35, dated 3rd October 1935, recorded in G O. No. 209, Finance (Pension), dated 9th March 1936.]

8. (*a*) With reference to the Government of India Orders in paragraph 7 above, the Government have directed that officers may be asked to exercise the option of their paid military service in the Great War rendered between 4th August 1914 to 31st August 1921 being dealt with under the Article 356 or 357-A on the assumption that the Government would give them the maximum benefits permissible under Article 356.

(b) The Government have considered the question as to the authorities who should pass orders in cases falling under Article 357-A and have decided that no special orders are necessary. But Heads of Departments and other officers responsible for the records of service should, by reference to the Controller of Military Accounts concerned, verify whether the periods of war service claimed were periods of satisfactory paid military service within the meaning of Article 357-A and record the same in the service book or communicate it to the Accountant-General in the case of gazetted officers

(*c*) In cases where it is proposed to allow military service to count for civil pension under Article 356, should, as hitherto, be submitted for the orders of Government through the Accountant-General.

9. In cases where the inclusion of military service referred to in Article 357-A, enables a civil employee to earn a pension, while its exclusion secures him a gratuity only the Government considered that it is open to him to forego the military service with a view to get a lump-sum gratuity instead of a monthly pension as in their opinion the counting of military service under Article 357-A is a concession shown to civil employees to be availed of at their option and it is open to a pensioner to refuse what was intended to benefit him if his advantage lies elsewhere. Article 471 does not apply to such cases.

These orders will apply to Government servants under the rule-making control of the State Government only.

[G.O. No. 526, Finance (Pension), dated 20th June 1936, and Memorandum No. 24659-Pen.-2, dated 21st September 1936.]

10. It has been decided by the Government of India that two or more periods or war service rendered between the 4th August 1914 and the 31st August 1921 can be added together and the total war service counted towards civil pension subject to the conditions of Article 357-A without any need for condoning the break between these periods.

[Government of India, Finance Department, No. F. 77 (28)-R. II/36, dated 24th September 1936, G.O. No. 880, Finance (Pension), dated 12th October 1936.]

11. When it is proposed to count towards civil pension a period of military service the whole of which was rendered during the Great War, i.e., between the 4th August 1914 and the 31st August 1921, the case should be dealt with under Article 357-A in accordance with the orders contained in paragraph 2 of the Government of India, No. F.11-XV-R. II/34, dated 6th September 1934. The option of counting a period of war service under either Article 356 or 357-A has been given only in cases where such service was rendered in conjunction with other military service and not in cases where military service was rendered exclusively during the Great War.

[Government of India, Finance Department, letters No. F. 11 (18)-R. II/37, dated 27th July 1937; No. F. 11 (37)-R.II/38, dated 9th January 1939, and G O. No. 65, Finance (Pension), dated 24th January 1939.]

12. All periods of service rendered between the 4th August 1914 to 31st August 1921 in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules count for civil pension subject to the provisions of Article 357-A irrespective of whether such service was rendered before or after the armistice and whether it was continuous or not.

(Comptroller and Auditor-General's letter No. 340-A/182-38, dated 22nd July 1938.)

NOTE.—All military service rendered overseas and in India during the period of the last Great War is regarded as War Service for the purpose of Article 357-A irrespective of whether an individual was enlisted for service in the Great War or was enlisted under normal engagement. Heads of departments and other officers responsible for the record of service of ex-army men subsequently employed in civil employments need not make references to the Controllers of Military Accounts on this point.

[Letter No. I/042, dated 7th September 1945, from the Controller of Military Accounts, Southern Army, disposed of in G.O. No 1029, Finance (Pension), dated 21st September 1945.]

II. OFFICERS OF THE INDIAN ARMY RESERVE.

In modification of Army Department letters No. A. 16848-9 (A.G. 14), dated 20th August 1925, and No. A. 16848/13 (A.G. 14), dated 19th January 1926, the Government of India have decided with the approval of the Secretary of State to allow all civil officers of Government who were permitted to join the Indian Army Reserve Officers under the terms of Army Department Notification No. 60-A, dated 15th January 1915, and who were invalided from the reserve as a result of their service with it, to count that service as service for pension under civil rules without prejudice to their eligibility for military pension as

for regular officers of the Indian Army under the above notification and Indian Army Order No. 539, dated 5th October 1914, relating to service during the Great War in the Indian Army Reserve Officers.

[Government of India, Finance Department, letter No. B-4770/1 (A.G. 14), dated 24th June 1929, to the Adjutant-General in India communicated in F.D No. F 15/VII/ R-II, dated 11th July 1929.]

III. TERMS ADMISSIBLE TO CIVIL OFFICERS BORNE ON THE RESERVES OF HIS MAJESTY'S FORCES WHO ARE PERMITTED TO TAKE UP SERVICE UNDER HIS MAJESTY'S GOVERNMENT.

Officers borne on the reserves of His Majesty's Forces who hold civil posts and who may during the emergency of the War of 1939 be called up from the reserves by His Majesty's Government for service in the Army, Navy or Air Force and permitted by competent authority to accept such service will count the war service towards civil pension. No share of the pension will be debitable to His Majesty's Government. This concession is applicable to officers under the rule-making control of the Secretary of State as well as to those under the rule-making control of the Government of India.

[Government of India, Finance Department, letter No F-2 (2)-R. 1/40, dated 28th September 1940.]

RULINGS AS REGARDS SICK LEAVE TAKEN BY THE OFFICERS MENTIONED ABOVE WHEN SERVING IN HIS MAJESTY'S FORCES DURING THE GREAT WAR, 1914.

Sick leave taken by a civil officer who served with the forces during the Great War (other than the three months' absence on full pay allowed to officers wounded or invalided) will count for pension up to a maximum of two years (as in the case of special disability leave) irrespective of whether he was eventually invalided from military service or not. If he was invalided from military service any such period of sick leave allowed to count for pension should be deducted from any period of disability leave that might otherwise be admissible to him on his release from military service. Pensioners who retire before 28th August 1925 who have reason to think that their pension will be increased by the concession sanctioned above should make an application for recalculation of their pensions to the authority which sanctioned their pensions. Any increase of pension which may be admissible as a result of the concession will have effect from 4th August 1914.

[Government of India, Finance Department, No. F. 21-II-C S.R./24, dated 28th August 1925, and No. F. 6-VIII/R-II-32, dated 3rd March 1932.]

NOTE—Pension includes proportionate pension on premature retirement.

(Government of India, Finance Department, No. F. 249-C.S.R., dated 18th June 1926.)

† **357-B.** Members of the services specified in the schedule below, who prior to their civil employment have rendered whole time enlisted or commissioned service between the 4th August 1914 and the 31st August 1921,

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† This article has effect from 26th May 1937.

in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, may count such service, including sick leave taken during such service, for civil pension of all kinds subject to the following conditions :—

(1) Completed years of service rendered after the attainment of the minimum age mentioned in the schedule to this article shall be allowed to count up to a maximum of four years.

(2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension nor be allowed in addition to the concession in Article 404-A but an officer who may be entitled to the concession admissible under Article 404-A and to that provided in this article shall be allowed whichever concession is more favourable to him.

(3) Save as stated in Notes, 1, 2 and 4 no refund of bonus or gratuity received in respect of such service shall be required from the officer.

NOTE 1.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April 1922 appointed to any of the services named in the schedule (except the Indian Police) shall be entitled to the concession in this article or to the following concession whichever is more favourable:—

They shall be allowed to count as service qualifying for superannuation, retiring and invalid pension, all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army pension) rendered after attaining the minimum age of appointment as indicated in the schedule below, and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.

NOTE 2.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April 1922, appointed to the Indian Police may count all service pensionable under Indian Army Regulations towards civil but the gratuity, if any, received by them under the Royal Warrant shall be refunded to Government.

NOTE 3.—Members of the Indian Police (other than those appointed to the service under the special regulations of the 21st February 1923 and surplus officers of the Indian Army) are entitled to the concession below if more favourable to them than the concession in this article:—

Age of candidate on 1st August preceding the date of reporting for duty in India.	Period of war service including sick leave allowed to count for retiring and invalid pension.
Under 22 years	Nil
22 years and under 23 years	Up to 1 year.
23 years and under 24 years	Up to 2 years.
24 years and under 25 years	Up to 3 years.
25 years and over	Up to 4 years.

NOTE 4.—Mr. D. F. Keegan of the Imperial Customs Service shall count as service towards invalid and retiring pension in the Customs service his total pensionable Army Service subject to his refunding the gratuity paid to him under the terms of the Royal Warrant of the 25th April 1922 less an amount equal to the allowance he would

have drawn between the date of drawing the gratuity and the date from which he began to draw pay in the Customs department.

NOTE 5.—Members of the Indian Forest Service and Indian Forest Engineering Service including those transferred to the Indian Service of Engineers shall be entitled to the concession in this article or to the following concessions whichever is more favourable:—

Officers retiring after 20 and less than 25 years' service shall count for pension completed years of war service rendered after attaining the age of 20 including sick leave taken during that service up to a maximum of two years and those retiring after 25 years' service up to a maximum of three years.

NOTE 6.—Service added under this article as well as under Notes 2, 3 and 5 shall count towards the limit of 28 years' qualifying service prescribed in Article 475-A (5).

SCHEDULE.

Service.	Minimum age.
Indian Police	19 years.
Indian Agricultural Service	23 years.
Indian Educational Service	23 years
Indian Forest Service	21 years.
Indian Forest Engineering Service	21 years
Indian Service of Engineers	21 years; 22 years in the case of officers recruited during the years 1919 to 1923 except officers of the Indian Forest Engineering Service transferred to Indian Service of Engineers whose minimum age of appointment will be 21 years.
Indian Veterinary Service	Nil.
Indian Audit and Accounts Service	22 years.
Imperial Customs Service	22 years.
Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department.	22 years.
Geological Survey of India (Class I)	Nil.
Mines Department (Class I)	25 years.
European Gardeners Service	Nil.
Indian Railway Service of Engineers	22 years.
Bengal Pilot Service	18 years.
Superior Service of the Military Accounts Department.	22 years.

*** 357-B.** Members of the services specified in the schedule below who prior to their civil employment have rendered wholetime enlisted or commissioned service between the 4th August 1914 and the 31st August 1921 in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, may count such service including sick leave taken during such service for civil pension of all kinds subject to the following conditions :—

(1) Completed years of service rendered after the attainment of the minimum age mentioned in the schedule

*This article relates to services under the control of the Governor-General in Council and takes effect from the 24th February 1938.

to this article shall be allowed to count up to a maximum of four years.

(2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension nor be allowed in addition to the concession in Article 404-A but an officer who may be entitled to the concessions admissible under Article 404-A and to that provided in this article shall be allowed whichever concession is the more favourable to him.

(3) Save as stated in Note 1 no refund of bonus or gratuity received in respect of such service shall be required from the officer.

NOTE 1.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April 1922 appointed to any of the services named in the schedule shall be entitled to the concession in this article or to the following concession whichever is more favourable:—

They shall be allowed to count as service qualifying for superannuation retiring and invalid pension all services in the Indian Army (excluding service in the British Army which would have counted for Indian Army Pension) rendered after attaining the minimum age of appointment as indicated in the schedule below and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.

NOTE 2.—Service added under this article shall count towards the limit of 28 years' qualifying service prescribed in Article 475-A (5).

SCHEDULE.

Service.	Minimum age.
Indian Audit and Accounts Service	22 years.
Imperial Customs Service	22 years.
Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department	22 years.
Geological Survey of India (Class I)	Nil.
Mines Department (Class I)	25 years.
Bengal Pilot Service	18 years.

357-C. Civil employees, other than those governed by Article 357-B, who, prior to their civil appointment against war-reserve and other permanent vacancies which arose for direct recruitment before the 1st January 1948, had rendered satisfactory paid whole-time, enlisted or commissioned 'war service' between 3rd September, 1939 and 1st April, 1946, in the Armed Forces of India or similar Forces of a Commonwealth country which did not earn a service pension under the Military, Naval or Air Force Rules, shall be allowed to count such war service including sick leave taken during such service, for the purpose of civil pension, subject to the following conditions :—

(1) Completed years of the said "war service" shall be allowed to count up to a maximum of five years.

(2) In the case of services/posts in which a minimum age is fixed for recruitment, no 'war service' rendered below that age shall be allowed to count for pension, and in the case of services/posts in which no minimum age is fixed, no portion of 'war service' rendered before attaining the age of 20 or 18, as the case may be, according as the services/posts are superior or last grade shall be allowed to count for pension.

(3) The addition of 'war service' shall not be included in total service under Article 408 of these Regulations for the purpose of counting leave as service for pension.

(4) 'War Service' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth Country shall be allowed to count alike for pension; no contribution towards, or share of a pension earned as a result of this concession being claimed from the foreign Government concerned.

(5) No refund of bonus or gratuity paid to the employees in respect of such 'war service' shall be demanded from the employee.

357-D. Members of the Services specified in the Schedule below, who, prior to their appointment to those services/posts against war-reserve and other permanent vacancies which arose for direct recruitment before the 1st January, 1948, had rendered satisfactory paid whole-time enlisted or commissioned 'war service' between 3rd September 1939 and 1st April 1946 in the Armed Forces of India or similar Forces of a Commonwealth Country which did not earn a service pension under the Military, Naval or Air Force Rules, may count such 'war service' including sick leave taken during such service, for civil pension of all kinds subject to the following conditions :—

(1) Completed years of 'war service' rendered after the attainment of the minimum age mentioned in the schedule to this article shall be allowed to count upto a maximum of five years.

(2) The addition so made shall not be included in total service under Article 408 of these Regulations for the purpose of counting leave as qualifying for pension.

(3) 'War Service' rendered in the Armed Forces of India and that rendered in similar forces of a Commonwealth country shall be allowed to count alike for pension; no contribution towards, or a share of, a pension earned as a result of this concession being claimed from the foreign government concerned.

(4) No refund of bonus or gratuity paid to the employees in respect of such 'war service' shall be demanded from the employees.

SCHEDULE.

Service or Post.	Minimum age.
Indian Audit and Accounts Service	21 years.
Indian Customs Service	21 years.
Indian Defence Accounts Service	21 years.
Indian Income Tax Service..	21 years.
Assistant Master, India Security Press	24 years.
Assistant Master, India Government Mint	24 years.
Editor, 'India Speaks'	24 years
Indian Meteorological Service	23 years.
Assistant Electrical and Mechanical Officer, Civil Aviation Department	25 years.
Senior Aircraft Inspector, Civil Aviation Department ..	30 years.
Aircraft Inspector, Civil Aviation Department ..	28 years.
Research Officer, Pathology (Poultry Research Section), India Veterinary Research Institute, Izatnagar ..	25 years.

(G.O. Ms. No. 34, Finance, dated 9th January 1958.)

Chapter XVI—Conditions of Qualifying Service.

Section I.—Definition of Qualifying Service.

BEGINNING OF SERVICE.

358. (*a*) Except for Compensation gratuity, an officer's service does not, in the case of Superior service, qualify till he has completed twenty years of age.

(*b*) In other cases, unless it be otherwise provided by special rule or contract, the service of every officer begins when he takes charge of the office to which he is first appointed.

[NOTE.—In every covenant with an officer appointed in England by the Secretary of State not being a member of the Indian Civil Service (or Indian Police) or a Civil Engineer or Telegraph Officer educated at the Royal Engineering College, Coopers Hills* (or a Forest Officer), a clause is inserted to the effect that service for leave and pension begins only from the date on which the officer joins his first appointment in India.* (In the case of an officer of the Indian Forest Service appointed in England by the Secretary of State service for pension begins from the date from which he draws pay.)]

* The words in brackets occurring in the Note to Article 358 (*b*) have been inserted by the Secretary of State; and the words "or a Forest Officer" occurring in this Note have been deleted by the same authority.

Rulings.

1. In the case of an officer whose year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date, the 1st July of the year should be taken.

[G.O. No. 550, Finance (Pension), dated 24th August 1900, and Subsidiary Rule 6 under Fundamental Rule 74 (*a*), (iv), Annexure II—Part III.]

2. When a Government servant under the control of the Government, who has no previous military service, states on recruitment only his age, but not the year of his birth, the year should be arrived at by deducting from the year of recruitment the stated age and then the date of birth should be taken as the 1st July of that year.

(Finance Department Memorandum No. 40249-2-C.S R., dated 1st December 1941, A.G.'s P.V.R. and O. file of 1941-42.)

In the case of Government servants under the Government of India the date of birth is fixed as in the case of persons with previous military service—vide sub-paragraph 2-A below:—

2-A. When a military employee is transferred to a civil department whether under the Andhra Pradesh Government or the Government of India and assumes a civilian status, the date of birth to be entered in his service book should be the dates stated by him at the time of attestation.

[G O. Ms. No. 411, Finance (Pension) dated 24th September 1923, recording Government of India letter No. 1450-C.S R., dated 24th August 1923. A.G.'s Case Pen. Mis. 3-14 of 1923-24.]

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation, e.g., if an ex-soldier was enrolled on 1st January 1910, and if, on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 20th May 1938, in the case of Union Government servants and on or after 27th June 1938, in the case of Andhra Pradesh Government Servants.

[Government of India, Finance Department, letter No. F. 6 (23)-R.11/38, dated 20th May 1938, and G.O. No. 227, Finance, dated 27th June 1938.]

359. The following exceptions are admitted to the twenty years' rule :—

(1) All officers appointed in England by the Secretary of State; "Indian College Engineers" [see Article 627 (*d*)]; and Police probationers appointed in India under the orders contained in the Despatch of the Secretary of State, No. 14 (Judicial).', dated 15th March 1894.

(2) Signallers in the Indian and Indo-European Telegraph Department may count towards pension service rendered by them after they attain the age of eighteen years.

(3) Sub-Assistant Surgeons count service from the date they pass their final examination.

[NOTE.—Pupils of the Civil Hospital Assistant class in Medical Colleges, who are granted leave under Article 52 (*c*), count service from the date on which the leave begins.]

360. In the case of last grade service, service counts after the age of sixteen years.

CONDITIONS OF QUALIFICATION.

361. The service of an officer does not qualify for pension unless it conforms to the following three conditions :—

First.—The service must be under Government.

Second.—The employment must be substantive and permanent.

Third.—The service must be paid by Government.

These three conditions are fully explained in the following section :—

361-A. The Government of India may, however, in the case of service paid from General Revenues, even though either or both of conditions (1) and (2) are not fulfilled:—

(1) declare that any specified kind of service rendered in a non-gazetted capacity shall qualify for pension ;

(2) in individual cases, and subject to such conditions as it may think fit to impose in each case allow service rendered by an officer to count for pension.

Subject to such conditions as it may think fit to impose, the Government of India may delegate its powers under this article to State Governments, Minor Local Governments and Heads of Departments.

[NOTE.—(*a*) State Governments exercise the powers of the Government of India under clauses (1) and (2) of this article in respect of officers serving under them if the pension does not exceed fifty rupees a month. In individual cases where the pension exceeds fifty rupees a month, they may allow half the actual non-qualifying service paid from General Revenues to count for pension subject to a maximum of twelve months in all.

(*b*) Minor Local Governments exercise the powers of the Government of India under clause (2) of this article in respect of officers serving under them if the pension does not exceed ten rupees a month.]

Rulings.

1. The object of this article is to provide for cases in which an officer has rendered temporary service followed by permanent service, or has rendered a long period of temporary service and has been left in indigent circumstances in his old age, but not to a case in which an officer has first rendered permanent service followed after a long interval

by a short temporary service. The combination of the permanent and temporary service in the latter case is opposed to the spirit of Article 361-A.

(Government of India, Education and Health, No. 77, dated 1st February 1922—A G.'s Case Pen M 98 of 1921-22.)

1-A. Article 361-A applies both to temporary and officiating service.

(A.G.'s P.V. Case S. 199 of 1927-28)

2. Members of the manufactory establishments employed in the jails in the Andhra Pradesh State count their non-pensionable service as service qualifying towards pension.

[Government of India, Home Department (Judicial), No 103, dated 7th May 1920, communicated in Government of India, Finance Department No. 747-C.S.R., dated 13th May 1920—A.G.'s Case Pen. Mis. 3-4 of 1920-21.]

This concession does not however apply to such of the new entrants as are in receipt of revised scales of pay sanctioned in G.O. No. 2818, Law (General), dated 9th September 1925, and their services will be non-pensionable. The revised scales of pay should not also be applied to the existing incumbents whose services are pensionable, specific sanction of Government being required for these purposes in any individual case.

[G.O. Ms. No. 2818, Law (General), dated 9th September 1925.]

The above orders do not, however, apply to clerical establishments in the manufactory department which will continue to be pensionable.

[G.O. Ms. No. 955, Law (General), dated 24th March 1937.]

3. (*a*) Temporary service in the Co-operative department of all non-gazetted staff confirmed subsequent to 14th November 1923 (the date of conformation of certain proportion of the existing staff in the Co-operative department) will count for pension provided it is followed without interruption by qualifying service, i.e., service in a permanent appointment. Officiating service in a permanent post (except in cases covered by Article 371) or in a temporary post will not qualify for pension. Such officiating service will not, however, be considered as an interruption of service for the grant of the above concession, which will apply only to officers who were in service on 26th October 1932 and who retire on or after 26th October 1932.

A statement should be prepared in the case of men in service on 26th October 1932 showing the seniormost non-permanent men as 'substantive' in temporary posts and the juniors as 'officiating' either in permanent or temporary posts so that the seniors may enjoy the concession of counting temporary service (i.e., service in temporary posts and not 'officiating service' in either a permanent or temporary post). The statement should be prepared bearing Article 371 in mind and the seniors given the benefit of this article if they are eligible for it.

[G.O. Ms. No. 1395, Development, dated 26th October 1932, in A.G.'s Case Pension Ms. No. 3-6 of 1932-33, Pen. 3-3 of 1924-25 and G.O. No. 684, Finance (Pension) dated 7th September 1946, A.G.'s Pen Case 1-1 of 1946-47]

(*b*) In the case, however, of the men who were confirmed on the 14th November 1923, the date of confirmation of a certain portion of the then existing staff of subordinates in the Co-operative department, all

their past service in the Co-operative department prior to confirmation, will count for pension provided it is followed without interruption by qualifying service, i e, by service in a permanent appointment without regard to the restriction imposed in the second sentence of paragraph 5(*a*) above.

(G.O. Press No. 1211, Development, dated 2nd July 1934, A G's Pen. Mis 3-3 of 1924-25 and P.V. 6-33 of 1936-37.)

4. (*a*) If under rule 3 of the Civil Services (Classification, Control and Appeal) Rules these rules apply to the work-charged establishments in the Public Works Department, it is open to the State Government under rule 4 of the Classification Rules to exclude these establishments from the operation of the Classification Rules. If the Classification Rules do not apply to these establishments, the Statutory Rules, such as the Fundamental Rules, and the Civil Service Regulations framed by the State Government do not necessarily apply to them. Their conditions of service should be regulated by the State Government by means of contracts, executive orders, or extra Statutory Rules and it would be open to the State Government to apply the Fundamental Rules and the Civil Service Regulations to such establishments as extra Statutory Rules.

(*b*) If the Classification Rules do not apply to the work-charged establishments, Article 361-A can be applied to them by the State Government as an extra Statutory Rule.

(*c*) Similarly paragraph 61 of the Andhra Pradesh Public Works Department Code can be applied to them as an extra Statutory Rule, but not as a Statutory Rule, having the force of law. A relaxation of this rule would be within the competence of the State Government and outside the purview of rule 12 of the Classification Rules.

[Comptroller and Auditor-General's letter No 146-A (144/33), dated 20th September 1933; A G.'s Case Pen. Mis 3-9 of 1933-34]

(*d*) Members on the work-charged establishment should be considered as employed only occasionally and therefore they are not governed by the Civil Services (Classification, Control and Appeal) Rules under rule 3 of those rules.

[G.O. Ms. No. 1593, Public (Services), dated 1st October 1936; A.G.'s Case T.12-Jails 1-1-7 of 1934-35-36-37 and Pen. Mis. 3-9 of 1933-34-37.]

5. The promotion of deserving maistris to the temporary as opposed to the work-charged establishment has been authorized by Government with a view to permit the better men of the class being granted such privileges in respect of leave, etc., as are admissible to the temporary servants. Generally maistris so promoted to the temporary establishment may be employed on works and the debit of their pay to 'works' during their period of employment on 'works' is a matter of mere accounting procedure. As the leave, travelling allowance and other allowances of these men during the period they are so employed on 'works' are still regulated by the rules applicable to the temporary establishments, the concessions of Article 361-A, are applicable to them in respect of the above service.

(G.O. No. 1583 W., P.W., dated 4th November 1921, and Finance Memorandum No. 26883-Pen.-2, dated 19th October 1936; A.G.'s Pen. Case R. 147 of 1935-36.)

6 The Government have decided that in the case of the 239 Compositors of the Government Press, Madras, referred to in paragraph 2 of G.O No 453, Finance (Pension), dated 9th August 1932, who retire after 26th September 1946, a period of two years should be deducted from the total period of temporary service and the remaining period should be allowed to count for pension under Article 361-A This is subject to the condition that, if the resultant reduced pension is less than Rs. 10 per mensem, only so much reduction as will allow a pension of not less than Rs. 10 per mensem shall be made

[Finance Memorandum No. 51174-Pen.-1, dated 26th September 1946, and G.O. No. 1209, Finance (Pension), dated 16th November 1946.]

Section II—First condition.

362-364—*Omitted*..

SERVICE PAID FROM CONTRACT ALLOWANCES.

365. Service on an establishment paid from a Contract Establishment allowance, with the detailed distribution of which the Government does not interfere, does not qualify, whether such contract allowance is a fixed amount or consists of fees.

(NOTE.—The maximum establishment allowance for registration officers in Bengal is not a contract allowance within the meaning of this article.)

366. Service on an establishment paid from the Household allowance of the Viceroy, or of a Governor, or Lieutenant Governor does not qualify.

1. If an officer has served partly (in a capacity which would have given him claim to pension if the service had been paid from the General Revenues) on the Household establishment of the Viceroy, and partly on establishment paid from the General Revenues, he is entitled from the General Revenues to a share of any pension to which he would have been entitled if his whole service had been paid from the General Revenues proportionate to the length of service which has been so paid.

Example.—A.B. a messenger on a pay of Rs. 8 a month, has served altogether thirty-two years, of which sixteen years were passed on the Household establishment of the Viceroy. If AB's whole service had been paid from the General Revenues, he would have been entitled under the rules for last grade service to a maximum pension of Rs. 4 a month. AB will receive from the General Revenues a maximum pension of Rs 2 a month.

2. The Governor of Bombay is authorized to grant pensions and gratuities at his discretion to the domestic servants in the Government House establishment retiring from the service, or to the families of such domestic servants after their decease, provided that the amount of such pensions and gratuities paid in any one year ending 31st March shall not exceed Rs. 1,320.

NOTE.—Government House employees of the Andhra Pradesh State who have retired from service on or after the 1st April 1948 shall be allowed to count their previous service for pension or gratuity under the Civil Service Regulations or the Andhra Pradesh Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules, 1941, or any other special rules, as the case may be.

SERVICE UNDER AN EMPLOYER OTHER THAN GOVERNMENT.

367. In the following cases service under an employer to whose position Government has succeeded qualifies—

(*a*) Service rendered to an Indian State and continued to the British Government on the lapse or annexation of the State, when old age or infirmity renders the officer a fit object for pension.

(*b*) Service in the establishment employed in the Khelat territory for the assessment and collection of water-rate on lands watered by the Sind Canal which was paid in part by the Khan of Khelat prior to the levy of a local cess to meet the charge.

Section III—Second condition.

GENERAL PRINCIPLES.

368. Service does not qualify unless the officer holds a substantive office on a permanent establishment.

369. An establishment, the duties of which are not continuous, but are limited to certain fixed periods in each year is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

Rulings.

CONTINUITY OF SERVICE IN SEASONAL ESTABLISHMENT AND COUNTING OF 'OUT OF EMPLOY' PERIODS.

1. If a Government servant employed in a seasonal establishment was not on actual duty when the establishment was discharged or on the first day on which the establishment was again re-employed, his absence on the days on which the establishment was employed will constitute a break in service which requires to be condoned by the competent authority under Article 422, to make the previous service qualifying.

The off-season spell occurring between two seasonal periods during which a Government servant was employed without 'break' as defined above, will count for pension under this article even though he may be employed during that off-season in non-qualifiying officiating vacancies.

(Deputy Accountant-General's orders, dated 7th August 1940. A.G.'s File P.V. Rules and Orders of 1940-41.)

2. The term 'actual duty' in Article 369, need not be construed strictly as precluding duty in another post with a lien on the season post. Accordingly, a person who holds, a lien on a post in the season establishment, and who but for his officiating in a regular establisment would have held a season post may count his officiating service as service in the season post.

(A.G.'s decision, dated 8th September 1928, in A G 's Case Pen. No A-27. 1928-29.)

370. An officer transferred from a temporary to a permanent appointment can count his service in the temporary office, though at first created experimentally or temporarily, it eventually becomes permanent.

Rulings.

1. Periods of plague duty rendered by officers subsequently admitted to the Indian Medical Service are allowed to count for pension.

(Secretary of State's Despatch No 71, Financial, dated 5th June 1905, received with Government of India, No. 3807-P., Finance Department, dated 26th June 1908.)

2. The principles underlying the rule contained in Article 370, are—

(i) When posts sanctioned temporarily in the first instance are subsequently made permanent, the whole temporary service of the officer or officers in the temporarily or experimentally created posts may count for pension.

(ii) The same appointment on the same establishment must be transferred from the temporary to the permanent footing in order to secure the benefit of this article; an officer may not count service in a temporary establishment merely by reason of his being transferred thence to another and a permanent establishment. It is clear, therefore, that an officer employed temporarily in a particular appointment has no claim to count such temporary service for pension on transfer to a permanent appointment of a different character.

(iii) An officer transferred from a temporary to a permanent establishment may count his service on the temporary establishment if that establishment becomes permanent after his transfer.

(Government of India, Finance Department No. 4824-C.S.R., dated 7th August 1911 and G.O. No. 1070-W , P.W.D., dated 16th August 1917, A.G.'s Pen. Mis. No. 3-28 of 1917-18.)

(iv) The holder of a temporary post supplementing a permanent cadre of posts of the same kind and carry parallel duties, though actually employed on work properly pertaining to a permanent post in that cadre should still be considered to have rendered service in the temporary post.

(v) When some of several temporary posts supplementing a permanent cadre as in (iv) above are converted into permanent posts and permanent promotion to these posts is made according to seniority or by selection, the Government servants actually so promoted should be considered as the holders of the temporary posts which have been converted, and should be allowed to count their temporary service rendered in the posts.

[Government of India, Finance Department, No. F. 11-II/R-II/34, dated 19th February 1934, and Comptroller and Auditor-General's letter No 30-A/18-33, dated 7th February 1934, G.O No. 266, Finance (Pension), dated 1st May 1934; A.G.'s Case No. Pen. Mis. No. 3-32 of 1933-34]

Note to paragraphs 2 (iv) *and* 2 (v).—These instructions do not cover the case of a permanent Government servant who is actually *appointed* to a temporary post which is eventually made permanent, and who is not merely *employed* on work pertaining to such a temporary post forming a temporary addition to his cadre. Such a permanent Government servant can count the period of his temporary appointment in respect of the temporary post to which he is actually appointed and his *locum tenens* can count his acting service under Article 371.

(Note to paragraph 11 under section III of the Manual of Audit Instructions, as introduced by C.S. No. 27, dated 1st February 1939; A.G.'s Case P V. No. 6-36 of 1938-39.)

3. Officers appointed temporarily to the Indian Educational Service are permitted, on subsequent confirmation, to count such temporary service for pension.

(Secretary of State's Despatch No. 152, Public, dated 23rd August 1912, communicated with Government of India, Finance Department, No. 533-C S.R., dated 13th September 1912.)

4. The services rendered in temporary appointments created for the upkeep of minor irrigation works in the State qualify for pension when eventually the persons who held such temporary appointments are absorbed in the permanent staff as vacancies occur.

(Secretary of State's Despatch No. 39, P.W., dated 20th August 1915, G.O. No. 2230, Revenue, dated 2nd October 1915; A G.'s Pen. Mis. No. 3-12- of 1915-16)

5. Service rendered by permanent Civil Assistant Surgeons as temporary officers in the Indian Medical Service, whether before or after the 1st September 1921 (the date from which the revised terms for temporary I.M.S. officers prescribed in Army Instruction India No. 284 of 1922 had effect) counts for pension under Civil Rules on their reversion to civil employment.

[G.O.'s No. 3046, L.S.G. (P.H.), dated 17th December 1929, No. 1109, P.H., dated 22nd June 1931 and No. 1526, P.H., dated 20th July 1932; A G.'s Case P.V. No. 3-35 of 1929-30.]

6. The Government of India have decided that in the case of temporary service rendered in the Indian Munitions Board or the Board of Industries and Munitions, the requirements of Article 370, would be satisfied subject to the fulfilment of the following conditions:—

(i) That there was essential change of duties on transfer;

(ii) that service in the appointment held immediately on transfer from the Board was one qualifying for pension; and

(iii) that there was no break between the service rendered in the Board and the srvice in the departments qualifying for pension.

[Government of India, Finance Department, Memorandum No. F. 11-II (9)-R. II/38, dated 22nd June 1938, received with the Comptroller and Auditor-General's Endorsement No. 820-A/68/38, dated 6th July 1938, and No. F. 22 (15)-E-38, dated 6th July 1938, of the Crown Finance Officer, A.G.'s File P.V. No. 6-10 of 1938-39.]

7. It has been decided that the concession of counting temporary service for pension under Article 370 (*vide* paragraph 6 above as introduced by Correction Slip No. 18, dated the 11th October 1938) should

be extended to persons employed in a temporary capacity in offices under the control of the Indian Munitions Board or the Board of Industries and Munitions, subject to the fulfilment of the following conditions —

(i) That the offices concerned were such that their functions were transferred to them on the formation of the Board and retransferred to other offices under the control of the Government of India on the dissolution of the Board;

(ii) that there was no essential change of duties on transfer;

(iii) that service in the appointment held immediately on transfer from the control of the Board was one qualifying for pension;

(iv) that there was no break between the service rendered under the Board and the service in the departments or offices qualifying for pension: and

(v) that the service in question cannot be counted for pension under Article 357-A.

[Government of India, Finance Department, Office Memorandum No. F 11-II (9)-R-II/38, dated 2nd December 1938, A G.'s P.V File 6-10 of 1938-39]

NOTE —The Government of India have decided that for the purpose of the Government of India Finance Department Memorandum No. F-II (9)-R-II/38, dated 2nd December 1938, the office of the Chief Controller (Surplus Stores) should be regarded as an office under the control of the Board of Industries and Munitions.

[Government of India, Finance Department, No. F. II (9)-R-II/38, dated 5th April 1939—A G.'s Case P.V 6-10 of 1938-39-40.]

371. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service.

Rulings.

1. An officer without a substantive appointment may count as service qualifying for pension his officiating service in a vacant appointment or in an appointment the permanent incumbent of which does not draw part of the pay or count service, if he is without interruption appointed subsequently in an appointment other than that in which he was officiating

NOTE 1.—An officer on foreign service, though retaining a lien (active or suspended, as the case may be) on his permanent post and having a right to return to such a post in a substantive capacity, does not count service for pension in the permanent post. The contributions paid for him maintain his claim for pension for the period of his foreign service Hence his *locum tenens* can count service under this article.

(Comptroller and Auditor-General's Memorandum No 377-A/120-44, dated 1st September 1944; A G.'s Case Pen. Mis. No 3-2 of 1944-45.]

NOTE 2.—Service in all provisionally substantive appointments made under the rules in force before 29-5-1934 (and continued without interruption even beyond that date) will count as service qualifying for pension automatically on the basis of the entry of the provisional appointment made in the service book. In respect of 'provisionally substantive' appointments made on or after 29-5-1934, the nature of the vacancy in which such service was rendered should be indicated in the pension papers.

(G.O. Ms. No. 490, Finance, dated 2nd July, 1956.)

2. An officer without a substantive appointment may count his officiating service if he officiates continuously in vacancies fulfilling the conditions of Article 371 but caused by the absence of different substantive incumbents, and is eventually appointed substantively without interruption in an *appointment of the same class* though not necessarily in any of the vacancies in which he has been officiating.

3. The officiating service of an officer in an appointment not vacant or the permanent incumbent of which draws part of the pay or counts service, does not involve forfeiture of previous officiating services, which did fulfil the conditions of Article 371.

4. When it is found impossible to determine with certainty the nature of the vacancies in which an officer has officiated the State Government may allow him the benefit of Article 371.

(Government of India, Finance Department, No. 3084-P., dated 13th May 1901.)

5. Munsifs are allowed to count as service qualifying for pension the periods, whether continuous or not, during which they have held temporary appointments or acting appointments prior to confirmation.

(G O. No. 333, Judicial, dated 18th March 1909, Pen. Mis. No. 3-2 of 1908-10 and Pen. Mis. No. 3-15 of 1929-30; Government of India, Home Department, No 732, dated 22nd July 1916.)

6. The heads of offices should invariably give necessary particulars with reference to Articles 370 and 371, with a view to enable the Audit office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not, for example, in the case of officiating service, the nature of the vacancy in which the Government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent should be stated.

[Government of India, Finance Department, No. D/7869-F., dated 1st December 1930, to the Comptroller and Auditor-General; G.O. No. 55, Finance, dated 23rd January 1931, Subsidiary Rule 6 under rule 74 (*a*) (iv)—Annexure II -Part III.]

DEPUTATION OF OFFICERS ON MILITARY DUTY DURING THE GREAT WAR.

7. Officiating service rendered in a sub *pro tem* vacancy caused by a military officer holding a civil appointment being detached from his department for the performance of military duties in connection with the Great War under the Government of India, Home Department, Circular letter No. 415-426, dated 2nd February 1915, should be treated under Article 371, in precisely the same manner as ordinary officiating service and the question whether it counts for pension or not depends on whether the permanent incumbent in fact counted service in the post during the period for which he was detached from it.

(Government of India, Finance Department, No. F. 11-XXXIX-R. II/34, dated 23rd November 1934; A.G.'s Case P.V. No. 6-28 of 1934-35.)

8. An officer without a substantive appointment counts his officiating service under this article only if he officiates directly in a vacant post. An outsider officiating in the last post in the chain of arrangements made

in consequence of the vacancy cannot, under the terms of Article 371, count his officiating service for pension.

[A.G.'s Case P V. No. 6-44 of 1938-39-40; G.O. No 229, Finance (Pension), dated 8th May 1942; A.G.'s Case P V.R and O. No. 7 of 1941-43]

COUNTING FOR PENSION OF OFFICIATING SERVICE RENDERED PRIOR TO CONFIRMATION IN A CADRE.

8-A When a fresh recruit entertained in an officiating capacity against a vacancy in a cadre is eligible for any post included in that cadre and not merely for the particular post in which he is in fact posted to officiate, the benefit of Article 371, should accrue to him in respect of the vacant post service in which qualifies under this article Similarly, when two or more fresh recruits so eligible are entertained in an officiating capacity against, for example, one permanent vacancy and one or more leave vacancies in a cadre, it is the seniormost among these officers who should get the benefit of this article in respect of the permanently vacant post, even though he may be posted to officiate not in it but in one or other of the leave vacancies.

[Paragraph 11-A under Article 371, Civil Service Regulations, in the Manual of Audit Instructions (Reprint 1938).]

NOTE.—For purposes of counting services for pension with reference to this paragraph, posts of Professors, Lecturers and District Educational Officers in the Andhra Pradesh Educational Service shall be treated as having belonged to a single cadre upto 5th November 1929, the date of issue of G.O No. 1152, Public (Services), dated 5th November 1929.

(G.O. No. 946, Education, dated 8th May 1947; A.G.'s Pen Case No. 1-1 of 1946-47-48.)

9. A vacancy caused by the suspension of a Government servant to whom a subsistence allowance is granted during the period of suspension does not satisfy the conditions laid down in Article 371, as the absentee draws a part of the pay and officiating service rendered in that vacancy by another Government servant does not therefore count for pension.

(A.G.'s Case P.V. No. 6-8 of 1935-36.)

10. An incumbent holding a permanent post in the last grades cannot count his officiating service in the superior grades under this article as he already held a substantive post.

(A.G.'s U.O. reply No. 394, dated 16th December 1939, to Chief Secretariat; A.G.'s Case P.V. No. 6-40 of 1939-40)

371-A. An officer without any substantive appointment who was recruited before the 2nd June 1944 and whose confirmation is postponed as a result of the reservation of vacancies for war service men shall if the whole or any portion of the period by which his confirmation is so postponed does not qualify for pension under Article 370 or Article 371, be allowed to count for pension one-half of such period or portion as the case may be.

NOTE.—*The appointing authority should go into the question every time a war service man is confirmed and the benefit that should accrue to the non-war service approved probationer, should be then settled and noted in his service book or pointed out to the Accountant-General for incorporation in the History of Services of Gazetted Officers, as the case may be.*

371-B. Subject to any special provisions in respect of particular departments, continuous temporary and officiating service rendered by a Government servant in a regular capacity deducting a period of five years therefrom shall qualify for pension provided such service is followed without interruption by qualifying service.

(G.O. No. 571, Finance, dated 27th May 1960.)

NOTE.—An interruption in service on account of abolition of office or loss of appointment owing to reduction of establishment will not entail forfeiture of past service. When an interruption in service is condoned by the Government under Article 422, the service shall be deemed to be continuous.

Ruling.

For the purpose of this rule, the non-qualifying service rendered prior to the issue of service rules will be treated as service rendered in a regular capacity. If the non-qualifying service relates to a period after the issue of the service rules it should be certified by the appointing authority that the service rendered was in a regular capacity.

Service in a regular capacity will not include service rendered under rule 10 (*a*) of the General Rules for State and Subordinate Services or under rule 3-A of the Andhra Pradesh Revenue Subordinate Service or under similar provisions.

[Memorandum No. 45100-3, Finance (Pension), dated 10th August 1960.]

APPRENTICES AND PROBATIONERS.

372. Service as an apprentice does not qualify, except in the following cases:—

Engineer or Examiner-Apprentices.

Qualified students of the Thomason College under practical training who passed out prior to the year 1924—In the Public Works and Railway Departments.

Assistant Superintendent-Apprentices in the Indian Telegraph Department.

373. The service of a probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him pending probation, and in which no other officer simultaneously counts service.

Rulings.

1. On being confirmed in his appointment, a probationer of the Indian Agricultural Service will become eligible, as from the date of his arrival in India, for pension, under the regulations applicable to the department. These regulations are liable to be modified by the Government of India from time to time.

(Government of India, Revenue and Agricultural Department Circular No. 757-197, dated 24th June, 1921, received with Government of India, Finance Department, No. 1353-E.A., dated 1st July 1921, in A.G.'s Case G.A. No. 40-1 of 1921-22.)

2 A candidate under training at the Dehra Dun College for direct appointment to the State Forest Service but who is appointed permanently to that service after attaining the age of 23 may be allowed to count as service towards pension any period of training or probation served after attaining that age.

(Government of India, Finance Department, No 298-E.B., dated 5th July 1912, in A G 's Case G A No 12-3 of 1909-1913 and G O. No. 423, Financial, dated 31st May 1919, in A G 's Case G.A No 12-3 of 1917-20.)

3 Probationary Deputy Collectors in Andhra Pradesh are permitted to count their probationary service for pension under Article 373, as during such service they hold a substantive office and draw substantive pay

(G O. No 790, Revenue, dated 16th March 1922, A G.'s Case G.A. No. A-8-3 of 1911-12 and Pen. Mis. No. 3-15 of 1916-17.)

4 Service as a probationary nurse (nurse-pupil) does not count for pension.

(Surgeon-General's letter Ref. No. 19-4-A, dated 21st March 1932, A G.'s Pen Case No S. 216 of 1931-32)

5 An incumbent holding a permanent post in the last grade at the commencement of the service was on probation in a superior post. The service rendered as probationer in the superior post can be taken to count as qualifying for pension in the superior grades if the conditions of Article 373 are satisfied

(A.G.'s Case P.V. S No. 183 of 1941-42.)

6 Service as probationary Sub-Registrar can be taken to count as qualifying for pension under Article 373.

(A G.'s Case P.V. Pen. Mis. No. 3-20 of 1932-35.)

7 Probationary Deputy Tahsildars appointed under the scheme of direct recruitment introduced in G O. No. 3060, Revenue, dated the 30th September 1917, may count for pension, the service rendered by them from the date of their recruitment to the date of their confirmation.

374. Police probationers and temporary and officiating Assistant Superintendents of Police in all States count their service as follows:—

*(1) If recruited in England—from the date from which they draw pay.

(2) If recruited in India under the orders in Secretary of State's Despatch No. 14, dated the 15th March 1894—from the date of assuming charge of their appointments.

(3) If recruited in India before the date of the orders of 1894 mentioned in (2) above—from the date either of attaining the age of 20 years or of assuming charge of their appointments, whichever is later, provided that the service has been continuous.

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* Applies to officers under the rule-making control of the Secretary of State.

375. *Omitted.*

PERMANENT OFFICER DEPUTED.

376. An officer on a permanent establishment detached on temporary duty, on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, counts his detached service.

Rulings.

1. A permanent officer doing temporary duty counts his detached service in respect of his permanent appointment and not in respect of his temporary duty—*see* Article 490.

(Government of India, No 1009-P., Financial, dated 3rd March 1897.)

2. When, however, the lien of an officer on his substantive appointment is suspended under the orders of the competent authority he counts service for pension in respect of the quasi-permanent appointment he actually holds and consequently his '*locum tenens*' counts service in respect of his substantive provisional appointment.

(Government of India, Finance Department, No. 5040-P., dated 8th September 1905.)

NOTE.—It should be seen whether a provisionally substantive appointment under Fundamental Rule 14 (*d*) satisfies the conditions of Article 89, before it is counted for pension under this pragraph—*see* rulings and note under Articles 89 and Ruling under Article 753.

(Comptroller and Auditor-General's Memorandum No. 377-A/120-41, dated 1st September 1944; A.G.'s Case Pen. Mis. No. 3-2 of 1944-45 and G.O. Ms. No. 490 Finance dated 2nd July 1956.]

3. When a temporary appointment subsequently becomes permanent, it should be treated as retrospectively permanent from its beginning. A permanent officer holding the temporary appointment should therefore count service but not emoluments for purposes of pension in respect of that appointment and his *locum tenens* will count service under Article 371, in the appointment vacated by the officer.

[Government of India, Finance Department, No. 632-P., dated 4th February 1909; *vide* also Comptroller and Auditor-General's letter No. 565-Code/1061-E-24, dated 4th July 1925; G.O. No. 378, Finance (Pension), dated 29th September 1925; A.G.'s Case Pen Mis. No. 3-8 of 1925-26.]

4. The period spent on duty by members of the establishments employed in the hospitals and hospital ships with an expeditionary force out of India may be allowed to count for pension.

(Government of India, Finance Department, No. 226-C.S.R., dated 10th March 1916.)

5. This article applies also to the case of an officer detached on temporary duty to a permanent non-pensionable establishment, if the following conditions are satisfied—

(i) That the duty is temporary as far as the individual officer is concerned;

(ii) that the intention is that he is to return to his permanent appointment; and

(iii) that his emoluments during the period are calculated on the pay of his permanent post, i.e., that he is not permitted to draw a rate of pay or enjoy other amenities which have been given to compensate for the fact that the post is non-pensionable.

6. The expression 'temporary duty' occurring in this article means 'duty in a temporary post'.

(Government of India, Finance Department, No. 385-C.S.R./26, dated 8th February 1927, and paragraph 1 of Section III of Manual of Audit Instructions.)

7 The period of deputation out of India of the following officers serving either directly under the Government of India or under State Government for the study of the Russian language will count as Indian duty for pension.—

(i) Officers of the Indian Civil Service.

(ii) Officers of the Indian Police.

(iii) Military Officers in permanent Civil or Political employ.

(iv) I M S. officers in civil employ.

N.B.—The rules will come into force six months after the date of notification noted below as authority.

(Government of India, Department of Education, etc., Notification No. F. 77-13/33-E, dated 1st February 1934; A.G.'s Case P V. No. 6-1 of 1934-35.)

8 For terms admissible to Civil officers borne on the reserves of His Majesty's Forces who are permitted to take up service in the Army, Navy or Air Force under His Majesty's Government during the War of 1939—vide paragraph III under Article 357-A above.

9 Service during the War of 1939 rendered to the Defence Department of the Government of India by Government servants holding substantive appointments in the Civil Department will count for pension under this article.

(G.O. No. 1898, Public (Political), dated 23rd September 1940, and Government Memorandum No. 30477-2, Public (Political), dated 17th January 1941; A.G.'s P.V. Rules and Orders File, 1940-41.]

TERMS OF SERVICE OF OFFICERS GRANTED EMERGENCY COMMISSIONS IN HIS MAJESTY'S LAND FORCES AND APPOINTED TO THE INDIAN ARMY AND OF OFFICERS GRANTED EMERGENCY COMMISSIONS IN HIS MAJESTY'S INDIAN LAND FORCES.

10 A civil Government servant who with the permission of the head of his department applies for and is granted an emergency commission in His Majesty's Land Forces or in His Majesty's Indian Land Forces will retain a lien upon his permanent civil appointment under the normal rules on the subject and will count such military service towards civil pension or gratuity (as the case may be) in his permanent cadre.

Necessary contributions in respect of pension will be paid to the Civil department by the Defence Department Estimates in the manner indicated in Fundamental Rule 116 and Appendix 11-A thereto (Accountant-General, Posts and Telegraphs, Compilation of Fundamental Rules).

In respect of leave, the officers will be governed by the rules applicable to regular officers or to regular Indian Commissioned Officers, as the case may be, as authorized from time to time during the emergency.

[Government of India, Home Department, letter No 236/40-Ests., dated 26th September 1940, to all State Governments and Chief Commissioners forwarded with Government of India, Finance Department letter No. D-3757-EX-1/40, dated 16th October 1940, and communicated with G O No 2129, Public (Political), dated 29th October 1940; A G.'s P.V Rules and Orders File, 1940-41.]

11. Government servants who are permitted by the heads of their Civil departments to serve as officers or as airmen with the Royal Air Force Volunteer Reserve, Royal Air Force or Indian Air Force Volunteer Reserve for the duration of the present war (1939) will retain a lien upon their civil appointments under the normal rules on the subject. Such Air Force Service will count towards pension in their permanent cadre. Necessary contributions in respect of pension will be paid to the Civil departments concerned by the Defence Services Estimates in the manner indicated in Fundamental Rule 116 and Appendix II thereto (Accountant-General, Posts and Telegraphs, Compilation of the Fundamental Rules).

The whole period of Air Force employ, except Air Force sick leave, will earn leave under civil rules for which the Defence Services will pay the necessary contributions. No civil leave may be taken during the period of Air Force employ.

[Government of India, Defence Department (Army Branch), letter No. 1237-MDI (A), dated 4th December 1940, and G.O. No. 2787, P.W.D, dated 12th December 1940, A.G.'s Case G.A. 11-31 of 1940-41.]

12 Civil Government servants who were called out or embodied under section 9 of the Indian Territorial Force Act and are now serving in regular active or garrison battalions shall be allowed to count their Military service in these battalions for civil pension, provided they would have counted for that purpose their service in the civil department but for their deputation to Military service.

[Government of India, Defence Department (Army Branch), Letter No. B-74607-Ag., 1 F, dated 19th May 1942, to all State Governments recorded in G.O. Ms. No. 1544, Public (War), dated 31st May 1942; A.G.'s P.V. Rules and Orders File of 1942-43.]

INDIAN ARMY RESERVISTS IN CIVIL EMPLOY.

13. As under military rules the entire period spent by a reservist in reserve (including the period spent in training) counts for *military* pension, the question of counting the whole or a part of this period towards *civil* pension does not arise. The above decision will apply also to Royal Indian Fleet Reservists, as under Naval Rules the entire period spent by a reservist in reserve (including the period spent in training) counts for Naval pension.

[G.O. No. 2571, Public (War), dated 21st August 1942, A.G.'s P.V.R. 20- File 1 of 1942-43, and G.O. Ms. No. 3432, Public (War), dated 26th October 1942, A.G.'s P.V. Rules and Orders No. 1-1 of 1942-43.]

CIVIL PIONEER FORCE.

14. Under rule 13 of the Civil Pioneer Force Rules, service in the Force is non-pensionable. In the case of an enrolled person who at

the time of his enrolment was in the permanent service of Government, the service with the Force will count as service for pension

(Government of India, Department of Labour, P.F. No 41, dated 28th October 1942, T.M., No 7-1 of 1942-43, A G.'s P V. Rules and Orders File. 1942-43.)

377. The preceding article permits the temporary suspension of the second condition of qualifying service which forms the subject of this section; it does not authorize any relaxation of the first condition (section II) or the third condition (section IV), and in particular, must not be understood to countenance any modification of the rules in Part VII, which apply to an officer on Foreign Service.

Ruling.

See the ruling and note under Articles 89 and the ruling under article 753.

(Comptroller and Auditor-General's Office Memorandum No. 377-A/120-44, dated 1st September 1944; A.G.'s Case Pen. Ms. No 3-2 of 1944-45 and G O. Ms. No. 490 Finance dated 2nd July 1956.)

378. Service as Private Secretary to the Governor-General, a Governor or a Lieutenant-Governor, qualifies, provided that the officer belonged, before his appointment as Private Secretary, to the Civil Service of Government, whether the Indian Civil Service or not.

SUBSTANTIVE OFFICE ABOLISHED.

379. If the substantive office of an officer is abolished within the meaning of Article 426, but the officer is, at the time, on special duty, or is, on abolition of his office, deputed on special duty, his service on special duty qualifies, but the duty must be special; mere employment, in continuation of permanent employment in a temporary appointment which happens at the time to be vacant, does not qualify.

The service of an officer of the Marine Service continues to qualify when, upon the abolition of his appointment, he is retained on subsistence allowance or in an acting appointment.

PIECE-WORK.

380. A press servant, who is paid for piece-work, is treated as having held a substantive office, if—

(i) he is employed, not casually, but as a member of a fixed establishment; and

(ii) during the last seventy-two months of his actual employment has been attached to one office uninterruptedly for twentyfour months, or it has not been through his own choice or misconduct that he has not been so attached.

Rulings.

1 Services of copyist attenders employed in the civil courts, both in the mufassal and in the city, have been declared pensionable in the last grade scale. The present incumbents count their total qualifying service for pension.

Copyists of Judicial department have also been admitted to pension benefits in G.O. No. 187. Home, dated 16th January 1950. The pension has been fixed at a flat rate of Rs 25 per mensem for a minimum period of service of 25 years, proportionate pension being allowed to those with services ranging between 10 and 25 years and gratuity only being allowed to those with service less than ten years.

[G.O. No. 2697, Law (General, dated 26th September 1925, and G O. No. 187, Home, dated 16th January 1950.]

2. All men employed in the Govt. Press in excess of the permanent strength of piece work establishment should be treated as temporary and casual employees.

(G.O. No. 190, Public, dated 8th March 1910, and G.O. No. 71, Finance, dated 12th July 1921, filed in A G 's Pen. Case No. D 8 of 1928-29)

3. A piece-work compositor in the Government Press, can, in addition to Sundays and other holidays admissible to employees in the press, count as service qualifying for pension any period of authorized casual leave without allowances actually taken by him subject to a maximum of 15 days in a year.

(G.O. Ms. No. 805, Finance, dated 17th November 1927; A.G.'s Case Pen. Mis. No. 3-11 of 1927-28.)

SURVEYS AND SETTLEMENTS.

381. (*a*) The service of an officer not merely temporarily engaged in the undermentioned Settlement and Survey departments which are (or were) on a *quasi*-permanent footing qualifies :—

The Settlement departments in Andhra Pradesh, Madras, Burma, the Punjab and the Central Provinces and Berar. The Revenue Survey departments in Andhra Pradesh, Bengal, Madras and Bombay. The establishments of the Inam Commissioners of Andhra pradesh, Madras and Bombay. The Alienation Settlement department in Bombay. The Malabar Escheat Establishment, Madras.

(*b*) Except in the regular departments and to the extent above specified, settlement and survey service does not count unless it is followed, without interruption, by

qualifying service. Settlement service followed, without interruption, by pensionable service paid from a Patwari Fund also qualifies.

(*c*) Service as measures employed in the record-of-rights work in Berar counts when such service is followed, without interruption, by qualifying service.

Rulings.

1. All settlement service even if paid from contingent grant followed without interruption by qualifying service counts.

(Government of India No. 85-P, Finance, dated 6th January 1908.)

2. Services rendered in the Andhra Pradesh Forest Settlement, is not to be regarded as settlement duty within the meaning of Article 381, but as temporary duty falling within the scope of Article 77.

3. Temporary employees in the departments under the control of the State Government mentioned in Article 381 (*a*) should be treated as "merely temporarily engaged". No claim for pension should therefore be admitted to them under Article 381 (*a*).

[G.O. Mis. No. 722, Finance (Pension) dated 16th October 1928, and A G 's Case No. Pension Mis. 3-15 of 1928-29, and G.O. No. 702, Finance (Pension), dated 14th July 1938; A.G.'s Case P.V. 6-13/1938-39.]

4. In the case of deputations of Survey employees to special duty within the Survey Department, the employees so deputed are paid and controlled like other servants of Government in that Department and no distinction need therefore be made for purposes of Article 381 (*b*) between these temporary subordinates and those serving temporarily in the Survey Department proper.

(G.O. No. 745, Revenue, dated 21st February 1918, copy filed in A.G.'s Case Pen.-V. 73 of 1932-33.)

5. The practice of the past in the Settlement Department whereby officiating service in permanent posts has been allowed to count for pension has been regularized by the State Government upto 1st July 1929 after which date officiating service will not count for pension even if followed by permanent service, except under the provisions of Article 371.

(G.O. No. 1010, Revenue, dated 21st May 1929, A.G.'s Case Pen. Mis. 3-7 of 1929-30 and Pension R. No. 102 of 1928-29.)

6. The concession granted to the subordinates of the Settlement Department in the above paragraph has been extended to the subordinates of the Survey Department also till 1st February 1930.

[G.O. No. 2656, Revenue, dated 20th December 1929; A.G.'s Case Pen. Mis 3-7 of 1929-30.]

6-A. Officiating service in the Survey and Settlement Departments from and after the dates specified in paragraphs 5 and 6 above will not count for pension even if followed without interruption by qualifying service; but such officiating service will not operate as interruption for the purpose of Article 381 (*b*).

[G.O. No. 555, Finance (Pension), dated 19th December 1939; A.G.'s Case P.V. 6-43 of 1939-40.]

7 In applying the provisions of Article 381 (*b*) and analogous provisions enabling temporary service to be counted for pension, the term "interruption" occuring in those provisions should be construed as referring only to interruptions other than those specified in Article 420. Past cases need not be re-opened as the above orders apply to cases in which pensions have not been finally sanctioned on the date of the orders leading to the above rule.

[G O. No 825, Finance (Pension), dated 23rd October 1935, A G's Case P.V 1-3 o 1934-35]

8 Officiating service in a superior permanent post up to the dates specified in paragraphs 5 and 6 above or service in a superior temporary post, counts as superior service for pension, when the individual holds no lien on a last grade post. Such service will not count as superior when he is given a lien on a permanent last grade post

[G O. Ms. No 2141, Revenue, dated 21st October 1937, A G's Case Pen-M. 92 of 1936-37 and G O Ms No 810, Finance (Pension), dated 8th December 1939, A G.'s Case P V 6-34 of 1939-40]

382. Deputy Collectors and similar gazetted officers, when not especially employed for temporary work, are not affected by the preceding article, as they count service independently of the particular department to which they happen for the time to be attached.

EXCEPTION.

383. A medical officer in charge of a Government vessel may count his service afloat, if he is transferred, without interruption of his service, to the Civil Medical Service.

384. *Omitted.*

Section IV—Third condition.

SOURCES AND REMUNERATION.

385. Service which satisfies the conditions prescribed in Sections II and III qualifies, or does not qualify, according to the source from which it is paid; with reference to this article, service is classified as follows:—

(*a*) Paid from the General Revenues.

(*b*) Paid from Local Funds.

(*c*) Paid from Funds in respect to which the Government holds the position of trustee.

(*d*) Paid by fees levied by law, or under the authority of the Government, or by Commission.

(*e*) Paid by the grant, in accordance with law or custom, or a tenure in land, or of any source of income, or right to collect money.

General Revenues.

386. Service paid from the General Revenues qualifies. The fact that arrangements are made for the recovery, on the part of the Government, of the whole, or part, of the cost of an establishment or officer, does not affect the operation of this principle : Provided that the establishment or officer is appointed, controlled and paid by the Government.

[Note.—In making arrangements for the recovery of cost of establishments, it should not be forgotten that Government have to bear not only the immediate cost, but also that of leave allowances and pensions. (*See* Article 783.)]

Examples.—(*a*) The Shipping Master and Deputy Shipping Master, and their establishments at Bombay and Deputy Shipping Master in Calcutta the cost of which offices is provided for by shipping fees.

(*b*) The establishment of the Hughly College and collegiate schools while the cost thereof was borne by the Mohsin Trust Fund and also that of the Elphinstone College and High School and some other Government medical and educational institutions in Bombay, a portion of the cost of which is recovered from private endowments.

(*c*) Masters and assistant masters in schools establishment in Bombay on the old system (converse to the grant-in-aid system) whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of pay paid by Government.

(*d*) The establishment of the Sehore (Bhopal) School, the expenses of which is paid in part by local subscriptions.

(*e*) Certain Customs establishments in Bombay, the cost of which is paid for by private companies.

(*f*) When Police Officers are entertained at the cost of individuals and corporate bodies, an additional charge of one-fourth of the pay of officers whose pay is not less than Rs. 100 a month, and of three-sixteenths of the pay of others, must be defrayed by the persons for whose benefit the officers are employed: provided always that the additional charge shall not be made when such officers do not belong to the regular Police, but are only temporarily engaged, their service not counting for pension; or when the pay of the officers is a charge upon the General Revenues. [*See* Article 495 (5).]

(*g*) An establishment of the Accountant-General of the High Court at Bombay whose pay is provided for by a three per cent commission on invested funds in charge of the Accountant-General.

(*h*) The office establishment of the Health Officer of the Port of Bombay and the crew of the boat placed at the disposal of that officer, a portion of which pay is paid by the Bombay Port Trust.

(*i*) Certain additions to the Government establishments in the Bombay State, e.g., the Accountant-General, Commissioners, Surgeon-General, Bombay, Surgeon-Colonel in Sind, Inspectors of Schools, etc., the cost of which is met from the General (State) Revenues which are recouped by recoveries from the several local funds concerned.

387. *Omitted.*

388. *Omitted.*

389. (*a*) In the case of officers who, having no status in the service of the British Government, apart from their particular employment in Mysore, were employed in Mysore and transferred to the British service proper before 1st October 1882, the pensions granted are charged according to the Rule of Proportions.

(*b*) Pensions for service in Mysore prior to 1st October 1882 of officers who had a status in the service of the British Government, apart from their particular employment in Mysore, are paid wholly from British Revenues.

Local Funds and Trust Funds.

390. Service paid from a local fund qualifies, or does not qualify, according to the rules laid down in Chapter XLII.

391. Service paid from funds which Government hold only as a Trustee such as under a Court of Wards or in an Attached Estate, does not qualify.

Fees and Commission.

392. Except when fees or commission are drawn in addition to pay from the General Revenues, service in an office paid only by fees, whether levied by law or under the authority of Government, or by a Commission, does not qualify.

(1) Service as Official Assignee does not qualify.

(2) Service as a Thugyi (local collector of revenue paid by commission) in Lower Burma qualifies, but this concession does not extend to Upper Burma.

Ruling.

Service paid from fees and commissions in addition to pay from the general revenues qualifies under Article 392, but fees and commissions should not be included in pay to determine, with reference to Article 396, whether the service is superior or last grade

(Government of India, Finance Department, No. 544, dated 4th February 1886.)

Tenures in Lands, Etc.

393. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify.

394. *Omitted.*

Section V—Distinction between Superior and Last Grade Service.

395. Qualifying service is divided into superior and last grade.

396. * Appendix 7-A, Part I, contains a list of appointments specially classed as last grade and Part II a list of appointments specially classed as superior. All service on pay exceeding Rs. 10 in an appointment not mentioned in Appendix 7-A is superior and service (in such an appointment) on pay not exceeding Rs. 10 is last grade.

1. A Local Government may transfer any appointment or a class of appointments on pay exceeding Rs. 15 a month from the last grade to the superior class unless the appointment falls under one or other of the following entries in Appendix 7-A, Part I:—

Menials and last grade servants

Messengers, orderlies, peons and other petty officers.

NOTE.—(If the pay of the appointment is progressive, the maximum pay is the criterion for the purpose of the above rule.)

2. The Government of India may also transfer individual appointments irrespective of pay from the last grade to the superior category.

Rulings.

1. The period during which an officer holding a substantive appointment, which is pensionable on the superior scale, officiates in an appointment which is pensionable on the last grade scale, should be reckoned as superior service.

(Government of India, Finance Department, No. 6435-P, dated 5th December 1902.)

2. (*a*) The services of shroffs employed in the Public Works Department on pay of Rs. 10 and less a month are governed by the ordinary rules and, as their real duties are inferior, they are not entitled to the privileges specially accorded to shroffs in the Revenue Department.

(Government of India, Finance Department, No. 2038-P, dated 2nd May 1895.)

(*b*) All shroffs in the Revenue Department, even though their pay may not exceed Rs. 10 are superior servants.

(Government of India, Finance Department, No. 859-P, dated 13th February 1906.)

NOTE.—Shroffs include deputy shroffs also in the Revenue Department A.G.'s Case Pen. Mis. 3-18 of 1929-30.)

(*c*) The service of all grades of forest guards on pay exceeding Rs. 20 per mensem should be treated as superior

[G.O. No. 1509, Revenue dated 26th May 1914, G.O. No 599, Revenue, dated 9th December 1922, A.G.'s Pen. Mis. 3-8 of 1927-28 and 3-2 of 1913-15.]

Note.—Officers who begin service as forest guards on the last grade scale and subsequently rise to appointments in superior service in or above the ranks of forest guards count their whole service as superior.

(Government of India, Education, Health and Lands Department, Letter No. 1015-F, dated the 25th July 1928, Pen. Mis 3-18 of 1927-28.)

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* Not printed.

3. When the pensionary status of an appointment is changed from 'last grade' to 'superior', it is to be assumed that the change has retrospective effect, unless there are specific orders to the contrary

[Government of India, No. 2117-C.S.R., Finance, dated 10th March 1912, and No. F. 12-II-R. 11/31, dated 10th [illegible] 1931, G.O. No. 350, Finance (Pension), dated 1st June 1931, A.G.'s Case P.V. [illegible] of 1934-35.]

4. The appointments shown in the list below shall be classed as superior for all purposes of the Civil Service Regulations in cases in which the pay of the appointment exceeds Rs. 15 a month:—

(i) Attenders in the Secretariat and in the Offices of the Board of Revenue

(ii) Petty officers in the Salt, Abkari and Customs department.

(iii) The Sergeant attached to the Office of the Board of Revenue (Land Revenue).

(iv) Anicut maistries in the Public Works Department.

(v) (a) Demonstration maistries in the Agricultural department

(b) Weaving maistries, blacksmiths and mechanics in the Department of Industries.

(vi) Matrons, nurses, midwives, female dressers and theatre assistants in the Medical department

(vii) Jail warders (*see* Note 4 below).

(viii) Fieldmen in the Piscicultural section of the Fisheries department

(G.O. No. 808, Finance, dated 4th September 1920, and G.O. Ms. No. 969, Finance, dated 15th November 1920; A.G.'s Case No. Pen Mis 3-13 of 1920-21.)

NOTE 1.—The orders in the Government Order first quoted above should be given effect to from the date of the Government Order, i.e., from 4th September 1920. Cases already sanctioned in which retrospective effect was given to the orders in the above Government Order need not, however, be re-opened in consequence of this decision

[G.O. No. 387, Finance (Pension) dated 3rd June 1937; A.G.'s Case P.V. 6-6 of 1937-38.]

NOTE 2.—The attenders specified in item (i) above, who were in the scale of Rs. 20-1 (biennial)—25 with the exception those employed in libraries and those in the lower scale of Rs. 15-20 in the Hyderabad City—and Rs. 12-18 in the mufassal were with effect from 10th September 1927 classed as peons. The right to a superior pension of the attenders, who were in service on or before the 10th September 1927 will not be effected by these orders and they shall be entitled to count their service for pension on the superior scale if they were entitled to so count their service on or before that date

[G.O. No. 842, Public, dated 10th September 1927, and G.O. Ms. No. 456, Finance (Pension), dated 24th June 1937; A.G.'s Case T.M. 23-68 of 1927-28 and P.V. 6-26 of 1936-37.]

NOTE 3.—The temporary additions to pay sanctioned in G.O. No. 780, Finance, dated 28th August 1920, should not be treated as part of the pay of the appointment for the purpose of classifying appointments as superior.

(G.O. No. 281, Finance, dated 23rd March 1921; A.G.'s Case T.M. 23-97 of 1920-21.)

NOTE 4.—It was not the intention of Government to withdraw by their orders in G.O. No. 808, Finance, dated 4th September 1920, the concession granted in G.O. No. 1, Home (Judicial), dated 1st January 1920, to warders in the Jail Department of counting all their service for pension on the superior scale. The orders in G.O. No. 1, Home (Judicial), dated 1st January 1920, will not apply to the Warders employed in the sub-jails under the control of the District Magistrates, who are on the scale of pay of peons

(The special Sub-Jail at Nellore, is under the control of the Inspector-General of Prisons—Inspector-General's letter No. C/106, dated 1st February 1927.)

[Memorandum No. 9716-2, Finance (Pension) dated 2nd April 1927: A.G.'s Case Pen. Mis 3-27 of 1926-28.]

NOTE 5.—The interim relief of Rs. 3 per mensem granted in G O No 717, Finance, dated the 20th September 1946, should not be treated as part of the pay of the appointment for the purpose of classifying the appointment as superior.

[Finance Memorandum No. 77905-Pen -1, dated 17th January 1948, file in A G.'s Case P.V. of 1947-48.)]

5 The appointment of attenders in the Record Office shall be classed as superior for all purposes of the Civil Service Regulations in the cases in which the pay of the appointment exceeds Rs 15 a month.

(G O. No 971, Finance, dated 16th November 1920, A G 's Case Pen Mis 3-13 of 1920-21)

6 The service of the fieldmen in the Piscicultural section of the Fisheries department is superior for purposes of the Civil Service Regulations.

7. The service of Canning Overseer in the Fisheries department should be treated as superior.

[G O Ms. No 1640, Revenue (Special), dated 11th September 1920.]

8. Under Article 396, the two attenders of the Examiner of Local Fund Accounts, Madras, drawing more than Rs 15 per mensem shall be classed as superior for all purposes of the Civil Service Regulations.

(G.O. No. 272, Finance, dated 22nd March 1921; A.G.'s Case L A. 1-89 of 1920-21)

9. The service of a compounder in the Medical department, whose pay is in progressive rising from a minimum below Rs. 10 to a maximum above that amount, should be treated as last grade till his pay exceeds Rs. 10 a month.

(Government of India Letter No. 5496-P., Finance, dated 28th October 1901.)

10. Services of first-class attendants employed in Mental hospitals will be treated as superior for purposes of pension. The second-class attendants in all Mental hospitals will remain in last grade service.

11. Petty officers employed in the Fish-curing Yards of the Fisheries department will be classed as superior for all purposes of the Civil Service Regulations.

[G.O. Ms. No. 263, Finance (Pension), dated 30th April 1928; A.G.'s Pen. Mis. 3-4 of 1928-29]

12. The service of machine minders in the Government Press, Madras, whose pay was revised to Rs. 20—1—30, should, after revision, be treated as superior.

[G.O. Ms. No. 265, Finance (Pension), dated 3rd April 1930; A.G.'s Case Pen. T. 26 1929-30.]

13. Press employees, viz., Binders, Layers-on, Forme carriers, and Roller casters on Rs. 15—1—20 after the recent revision of their pay are declared last grade servants, as the duties attached to the above posts are mechanical.

[Memorandum No. 41010-G. & P. 2, Finance (Pension), dated 1st July 1929; A.G's, Pen. M. 53 of 1928-29 and S. 219 of 1930-31.]

But if they hold an appointment classed as superior at the time of their retirement, their entire service will count as superior.

[G.O. No. 2010, Education dated 28th November 1945; A.G.'s P V.R. and O. file of 1945-46.]

NOTE.—The appointments of copyholders in the Government Press, on Rs. 15–1–20 old scale (new scale 15–2/2–17–1/2–19) should be classed as superior for purposes of pension.

(G.O. No. 346, Finance, dated 20th May 1935; A.G.'s Case P V of 1935-36)

14. Services of minor irrigation maistries on pay exceeding Rs. 10 a month should be treated as superior for pension.

[G.O. No. 892, Finance (Pension), dated 15th November 1935; A.G.'s Case P.V. No. 6-29 of 1935-36]

15. The posts of attenders in the Central Survey Office, shall under clause (1) of Article 396 be classed as *superior* for purposes of pension with effect from 4th January 1938.

[G.O. Ms. No. 6, Finance (Pension), dated 4th January 1938; A G.'s Case P.V. No. 6-22 of 1937-38]

NOTE.—Such of the attenders of the Central Survey Office, as were in service on the date of issue of G.O. Ms. No. 6, Finance (Pension), dated 4th January 1938, should be given the option of *choosing in writing* to continue to have their service treated as last grade for purposes of pension, thereby being eligible for retention in service up to 60 years and above. The option once exercised will be final.

[G.O. Ms. No. 1049, Revenue, dated 5th May 1942; A.G 's Case P.V.R. and O. 4 of 1941-43]

16. The posts of attenders in the Office of the Registrar of Joint Stock Companies and in the Offices of Stationary Sub-Magistrates should be classed as superior for purposes of pension with effect from 27th January 1938 and 10th February 1938, respectively

[G.O. Ms. No. 98, Finance (Pension), dated 27th January 1938, and G.O. Ms. No. 140, Finance (Pension), dated 10th February 1938; A.G.'s P.V. No. 6-25 of 1937-38.]

NOTE.—All the attenders in the Stationary Sub-Magistrates' offices whose posts have been declared as superior for purposes of pension in G.O. No. 140, Finance (Pension), dated 10th February 1938, and who were in service on the date of the Government Order should be given the option of choosing, in writing, to continue to have their service treated as last grade for purposes of pension, thereby being eligible for retention in service up to the age of 60 years and above. The option once exercised will be final.

[G.O. No. 1196, Revenue, dated 26th May 1942; A.G.'s Case P.V.R. and O. 3 of 1941-43.]

17. The two posts of attenders in the Office of the Chief Conservator of Forests shall be classed as superior for purposes of pension with effect from 14th April 1938.

[G.O. Ms. No. 400, Finance (Pension), dated 14th April 1938; filed in A.G.'s Case P.V. No. 6-25 of 1937-39.]

18. The posts of carpenters in the Government Press, on the scale of Rs. 19—28 and Rs. 28—55 should be classed as superior for purposes of pension with effect from 23rd April 1938.

[G.O. Ms. No. 423, Finance (Pension), dated 23rd April 1938; filed in A.G.'s Case P.V. No. 6-25 of 1937-39.]

19. The posts of attenders in the Office of the Inspector-General of Registration and of the Registrar-General of Births, Deaths and Marriages, should be classed as superior for purposes of pension with effect

[G.O. Ms. No. 428, Finance (Pension), dated 28th April 1938, filed in A.G.'s Case P.V. No 6-25 of 1937-39.]

NOTE.—P. Seethapathi Naidu, attender, in the Office of the Registrar-General of Births, Deaths and Marriages, has, however, elected to remain in the last grade service The option thus exercised is final

[G O Ms No. 733, Finance (Pension), dated 27th November 1941, and letter No. C 153-1, dated 13th December, 1941, from the Registrar-General of Births, Deaths and Marriages; A G.'s P.V.R. and O File of 1941-42.]

20. The posts of attenders in the taluk office Gudem (Visakhapatnam agency) should be classed as superior for purposes of pension with effect from 18th October 1938.

[G O. Ms No. 1028, Finance (Pension), dated 1st Octoher 1938.]

21. The posts of attenders on the scale of Rs. 23-35 in the Animal Husbandry department, shall be classed as superior for purposes of pension with effect from the 29th October 1938.

(G.O. Ms. No. 1094, Finance (Pension), dated 29th October 1938; A.G.'s Case P.V. No. 6-25 of 1938-39.]

22 The post of attender in the Office of the Inspector-General of Police shall be classed as superior for purposes of pension with effect from the 12th November 1938.

[G.O. Ms No. 1153, Finance (Pension), dated 12th November 1938; A.G.'s Case P.V. No 6-15 of 1938-39]

23. The posts of higher grade attenders in the High Court, (working in the records and in the Library) are classed as superior for purposes of pension with effect from 4th January 1940.

(The six posts of Judge's attenders and six posts of muchis should *not* be classed as superior for purposes of pension.)

[G.O. Ms. No 10. Finance (Pension), dated 4th January 1940; A.G.'s Case P.V. No. 6-24 of 1939-40.]

The attenders whose posts were declared as superior and who were in service on 4th January 1940 were, however, given the option of choosing in writing to continue to have their service treated as last grade for purpose of pension. A statement showing the names of record attenders who were in service on 4th January 1940 and who still continue to be in service and the election made by them is given below:—

Serial number and name.	*Date of*		*Elected as*	
	Birth.	*Retirement*	*Superior.*	*Last grade*
1. N. Gangan ..	April 1900.	16th April 1960.	..	Last grade
2. S. V. Moorthy ..	1906.	1st July 1961.	Superior	..
3. E. Perumal Naidu	17th June 1906.	17th June 1961.	Do.	

[G.O. Ms. No. 130, Finance (Pension), dated 1st March 1940, and letter No. Roc. 617-A/39, dated 16th January 1941, from the Registrar, High Court, Madras, to the Secretary to Government, Home Department and letter No. Roc. 2610/50 A-4, dated 8th August 1950, to the Finance Department.]

24. All posts of attenders in the Offices of the Chief Engineer (General and Buildings), the Chief Engineer (Irrigation) and Additional Chief Engineer (Irrigation) are classed as 'Superior' for purposes of pension with effect from 1st October 1953.

(G.O. Ms. No. 355, Finance, dated 7th May 1956 and G.O. Ms. No. 63 Finance, dated 3rd September 1956.)

25. The post of attender in the office of the Commissioner for Government Examinations shall be classed as superior for purposes of pension with effect from 4th December 1940 (the date of the Government order)

[G O Ms No 786, Finance (Pension), dated 4th December 1940; A.G.'s P V Rules and Orders File 1940-41.]

26 The posts of attenders in the offices of the Deputy Inspectors of Schools and Sub-Assistant Inspectresses of Schools have been classed as superior for purposes of pension with effect from 23rd August 1940

[G.O. Ms No 528, Finance (Pension), dated 23rd August 1940; A G.'s P.V Rules and Orders File, 1940-41]

To mitigate the hardship that might arise on account of the change in the classification owing to the operation of Fundamental Rule 56 (*a*) the attenders who were in service on the 23rd August 1940 were given the option of choosing in writing to continue to have their service treated as last grade for purposes of pension. A list showing the names of attenders in service on the 23rd August 1940 who have exercised the option of choosing in writing to continue to have their service treated as last grade for purposes of pension and who continue in service now is given below:—

Serial number and name.	Designation.
	Visakhapatnam District
1. Sri R. Ch. Krishnamoorthy ..	Attender, Office of the Deputy Inspector of Schools, Rajam Range
	West Godavari District,
2. Sri A. Dasaradhi ..	.. Attender, Office of the Deputy Inspector of Schools, Eluru West Range
	Guntur District
3. Sri Ch. Lakshminarayana	.. Additional Attender, Office of the Deputy Inspector of Schools, Ongole Range.
4. Sri Ch. Suryanarayana	.. Attender, Office of the Deputy Inspector of Schools, Repalle West Range
5. Sri V. V. Subbayya ..	.. Attender, Office of the Deputy Inspector of Schools, Tenali East Range.
	Kurnool District.
6. Sri S. V. Seshayya ..	.. Attender, Office of the Deputy Inspector of Schools, Cumbum Range.
	Anantapur and Cuddapah Districts.
7. Sri Y. Ramachari ..	.. Attender, Office of the Deputy Inspector of Schools, Anantapur Range.
8. Sri E. Subba Rao ..	.. Attender, Office of the Deputy Inspector of Schools, Pulivendla Range.
9. Janab S. Baday Sahib	.. Attender, Office of the Deputy Inspector of Schools, Cuddapah Urdu Range.
10. Sri K. V. Subbaiah ..	.. Attender, Office of the Deputy Inspector of Schools, Cuddapah Hindu Range.
	Chittoor District.
11. Sri A. Raghavendra Rao	.. Attender, Office of the Deputy Inspector of Schools, Putur Range.
12. Sri A. Venkatasubbayya	.. Attender, Office of the Deputy Inspector of Schools, Kalahasti Range.
13. Sri, A, Srinivasa Rao	.. Attender, Office of the Deputy Inspector of Schools, Chittoor South Range.

27 The question whether a permanent piecework compositor who has officiated in a post borne on the superior grade, such as computor counts such officiating service in the superior or last grade scale requires the specific orders of Government in each case and pension reports should therefore be so framed as to leave this point for the consideration and orders of Government in each case.

[G.O. Ms. No. 93 Finance (Pension), dated 10th February 1941]

28 The posts of attenders in the offices of the Divisional Inspector of Schools have been classed as superior for purposes of pension with effect from 7th March 1941.

To mitigate the hardship that might arise on account of the change in the classification owing to the operation of Fundamental Rule 56 (*a*), the attenders were given the option of choosing in writing to continue to have their service treated as last grade for purposes of pension. None of the incumbents, however, has excercised the option.

[G.O Ms. No 125, Finance (Pension), dated 7th March 1941, and letter from the Director of Public Instruction, No R C 2878-C/40, dated 10th June 1941, and telephone message, dated the 27th June 1941, from the Director of Public Instruction, A G.'s P V Rules and Orders File, 1940-41.]

29. The posts of attenders in the office of the Director of Public Instruction, have been classed as superior for purposes of pension with effect from 10th July 1941.

To mitigate the hardship that might arise on account of the change in the classification owing to the operation of Fundamental Rule 56 (*a*), the attenders were given the option of choosing in writing to continue to have their service treated as last grade for pension. All the incumbents, however, elected to have their service treated as superior for purposes of pension

[G.O. Ms. No. 390, Finance, dated 10th July 1941, and letter from the Director of Public Instruction, No. 81-E/41, dated the 5th August 1941; A.G.'s P.V. Rules and Orders, File, 1941-42.]

30 The posts of attenders in the office of the Director of Animal Husbandry (Fisheries Branch) are classed as superior for all purposes of the Civil Service Regulations.

[G.O. Mis. No 2239, Development, dated 3rd December 1921; A G.'s Case No. Pen. A-8/41-42 and T.A D.X Section's Note, dated 22nd January 1942.]

31. The posts of attenders in the Arts and Professional Colleges, Office of the Registrar of Books, have been classed as 'Superior' for purposes of pension with effect from 2nd March 1942.

NOTE –Such of the attenders in the office mentioned in paragraph 31 above as were in service on the date of issue of G.O. Ms. No. 101, Finance (Pension), dated 2nd March 1942, should be given the option of choosing in writing to continue to have their service treated as last grade for purposes of pension thereby being eligible for retention in service up to 60 years and above The option once exercised is final.

[G.O Ms. No 101, Finance (Pension), dated 2nd March 1942, A.-G.'s P.V. Rules and Orders File 1-4 of 1941-43.]

32. The post of attender in the office of the Registrar of Co-operative Societies, shall be classed as 'Superior' for purposes of pension with effect from 21st June 1943. The existing incumbent

P. Vadivelu Mudaliar will continue to be treated as 'Last grade' until he retires from service.

(G.O. Ms No. 1172, Development, dated 21st June 1943.)

33. The post of attender in the Office of the Sanitary Engineer to Government has been classed as superior for purposes of pension with effect from 11th September 1943.

[G.O. Ms No. 2212, P.H, dated 11th September 1943, A.-G's P.V Rules and Orders File 1-4 of 1941-44.]

34. Service in the posts of Lock Superintendents and I.C. subordinates in the Andhra Pradesh Engineering Subordinate Service has been treated as superior irrespective of the pay drawn by the holders of the posts.

[G.O Ms No. 1115, P W, dated 19th June 1943, A.-G.'s Case P.V. Rules and Orders Files 1-4 of 1941-44, Finance Memorandum No. 19052 Pen. 3 dated 17th May 1944, A.-G.'s File No. P V Rules and Orders Files 1-4 of 1941-44.]

35. The posts of attenders in the Public Works Department Circle offices have been classed as 'Superior' for purposes of pension with effect from 30th December 1943.

NOTE.—Attenders in service on 30th December 1943 shall be given the option of choosing in writing to continue to have their service treated as last grade for purposes of pension so that they may be eligible for retention in service up to 60 years and above The option once exercised is final.

[G.O. No. 2916, P.W.D., dated 30th December 1943, A.-G.'s Rules and Orders Files 1-4 of 1941-44.]

36. The post of Silkworm rearer in the Sericultural Branch should be classed as 'Superior' for purposes of pension, as the post carries a fixed pay of Rs. 23 per mensem and is one of the technical posts coming under the Andhra Pradesh Industries Subordinate Service, the duties of which are different from those of menials and other last grade posts.

[Finance Memorandum No. 40304-Pen.-3, dated 12th September 1944; A.-G.'s File No. L. 26 of 1943-44.]

37. The following posts in the Agricultural department have been classed as 'Superior' for the purposes of the Civil Service Regulations:—

(1) The Record attender and Library attender in the office of the Director of Agriculture; and

(2) The Record attender in the office of the State Marketing Officer.

]G.O. No. 4094, Development, dated 22nd September 1944; A.-G.'s P.V. Rules and Orders 1-4 of 1941-44.]

38. The posts of Laboratory attendants in the Chemical Examiner's Department have been declared as superior for purposes of pension with effect from 4th January 1945.

[G.O. No. 43, P.H., dated 4th January 1945; A.G.'s P.V. Rules and Orders Files 1-4 of 1941-44.]

39. Service in the posts of operatives and mulberry cultivators on Rs. 23 per mensem in the Sericultural section of the Department of Industries and Commerce is superior for purposes of pension. The holders of the posts of operatives and mulberry cultivators on Rs. 19 per mensem

when promoted to a post on Rs 23 per mensem will count their whole service including the service on Rs. 19 as superior for pension.

[G O. Ms. No 810, Development, dated 28th February 1945, and Development Department Memorandum No. 26822-D/45-3, dated 3rd July 1945; A.-G.'s Rules and Orders File of 1945-56.]

40. The appointments of attenders in the office of the Director of Public Health, shall be classed as superior for purposes of pension with effect from the 24th June 1946.

[G.O. Ms. No. 1853, dated 24th June 1946; A.-G.'s Case P.V. 1-1 of 1946-47.]

397. *Cancelled.*

Service partly last grade and partly superior

398. An officer, whose service has been for some time last grade and for some time superior, may either count—

(*a*) the whole as last grade towards pension or gratuity on the last grade scale, or

(*b*) the superior portion towards pension or gratuity on the superior scale and the last grade portion towards pension or gratuity on the last grade scale.

Under (*a*), the pension shall be calculated upon the average emoluments in accordance with the scale laid down in Article 481 (*b*), Civil Service Regulations (revised), while the gratuity is calculated on the pay (whether in superior or last grade service) which the officer drew immediately before his retirement.

Under (*b*), the pension or gratuity on the superior scale is calculated upon the average emoluments or emoluments respectively which the officer drew when last in superior service, and the pension or gratuity on the last grade scale upon the average emoluments or pay respectively which he drew when last in last grade service; provided that the pension or gratuity on the last grade scale granted under clause (*a*) or the pension or gratuity on the superior scale plus the pension or gratuity on the last grade scale granted under clause (*b*) shall not exceed what would have been admissible, if the whole service had been superior.

If an officer has been reduced from the superior to the last grade class for misconduct, he cannot have the benefit of this Article, without the special permission of the State Government.

(Endt. No. 7049/53-3, Finance, dated 27-7-1954.)

Rulings.

1. The case of an officer who has rendered thirty years' qualifying service in the last grade scale in addition to qualifying service of less than ten years in the superior scale falls under clause (*a*) and not under clause (*b*) of this article and he is entitled to a pension only under clause (*a*). (*See* also under the Article 471.).

2. The power possessed by a State Government regarding the condonation of deficiencies in service, under Article 423 (2) may be exercised in cases in which the amount of pension or gratuity is regulated by Article 398.

3. If an officer elects to count the superior and last grade portions of his service separately, the portions of the service counting for pension under the superior and last grade scales should be the portions actually passed in service, and not periods calculated by first applying the rule regarding condonation of deficiency in superior service in consideration of additional last grade service.

4. An officer claiming a superannuation pension for his superior service under Article 464 can, under Article 398 also, be granted a separate invalid gratuity for his last grade service previously rendered by him, without submitting a medical certificate of unfitness for further service.

5. In the case of a press servant whose service qualifies under Article 380, a gratuity under Article 398 should be calculated on the superior scale on the average earnings of the last six months while in superior service, and that on the last grade scale on the average earnings of the last six months when in last grade service.

6. The provisions of Article 398 are waived in favour of officers who begin service as forest guards on the last grade scale and subsequently rise to appointments in superior service in or above the rank of forest guard.

This concession will not, however, apply to the case where a forest guard, after promotion to superior grade, is reduced from the superior grade to last grade as a specific punishment. In such a case, the actual periods of reduction should be treated as last grade service only for purposes of pension.

(Finance Memorandum No. 2180-Pen.-2, dated 31st August 1936; A.-G.'s Case No. P.V. 6-36 of 1936-37.)

7. A superior servant reduced temporarily for a specified period to the last grade who takes leave for a period extending beyond the date of expiry of the period of reduction and retires on the expiry of the leave without actually rejoining duty should be considered for the purpose of Article 398, as having regained his superior status after the expiry of the period of reduction, which is not affected by the non-payment of enhanced leave salary for the portion of leave intervening between the date of expiry of the reduction, since the amount of leave salary always depends on the rate of pay drawn at the time of going on leave and the date of actual retirement.

(Finance Memorandum No. 6399-Pen.-2, dated 28th March 1933.)

8. The last sentence of Article 398 applies to grant of greater benefit admissible under clauses (*a*) and (*b*) of Article 398

(G O Ms. No. 113, Finance, dated 7th February 1956.)

399. The claims of an officer promoted from a last grade to a superior grade as a reward for meritorious service, will be specially considered by the Government of India or by the Local Government under whom the officer is serving. This rule is to be strictly interpreted and a claim under it can be founded only on exceptional promotion made out of the ordinary course.

Exceptional cases.

400. If an officer holds two or more offices, each of which is last grade by reason of its pay not exceeding Rs. 10, he cannot count service as superior on the ground that his aggregate pay exceeds Rs. 10 unless the offices were arranged and their pay determined with the intention that they should be held by one individual.

401. The service of a postman or village postman, whatever his pay, is superior service.

402. (*a*) When the regular duties of an officer whose pay exceeds Rs. 10 but who bears a last grade designation, are really such as are ordinarily performed by a superior servant, his claim to pension should be specially referred to the Local Government.

NOTE —It is not intended by this article that last grade servant should count service as superior in virtue of his voluntarily assisting in superior work. It provides for the case of person who is *engaged under due authority to do superior works* though with a last grade designation

(*b*) On the other hand, an officer whose real duties are those of a last grade servant, even though his pay exceeds Rs. 10, is not entitled to pension on the superior scale merely because he draws pay under a superior designation.

Examples.—Accountants in the Province of Agra who served under the designation of 'Potdars.' A Lithographic Pressman designated as a 'Copying Clerk.'

Chapter XVII—Rules for reckoning Service.

Section I—Special Additions.

SPECIAL APPOINTMENTS.

403. *Cancelled.*

404. *Cancelled.*

404-A. For officers mentioned in Article 349-A, the concession of adding to qualifying service is as follows:—

In the case of the Agriculture (Imperial), Educational (Imperial and State Services), Principal and Assistant Masters recruited by the Secretary of State for service at the Prince of Wales' Royal Indian Military College, Dehra Dun, Civil Veterinary (Imperial), Factory and Boiler and Smoke Nuisances Inspection, Indian Mines, Mint and Assay, Geological Survey and Meteorological Departments, the State Judicial Services, Distillery Experts in the Salt and Excise Departments, the Director of Commercial Audit, Officers of the Zoological and the Archaeological Departments, Superintendents of State Governments' Presses, the Second Solicitor to the Government of India, Commander, Chief Engineer and First Officer of the Indo-European Telegraph Department attached to the Cableship Patrick Stewart and Medical Superintendent of the Indo-European Telegraph Department in the Persian Section, Presidency Magistrates, Judges of the Small Cause Court at a Presidency town and at Rangoon, City Civil Judge Madras, Superintendent of Government Museum and Principal Librarian of the Connemara Public Library, Madras, Registrars of Joint Stock Companies for Bengal and Bombay, First and Second Assistant Secretaries to the Government of Bengal, Legislative Department, and Assistant Secretaries to the Bengal Legislative Council, Port Officers in Madras Presidency not belonging to the Royal Indian Marine, Deputy Superintendent and Remembrancer of Legal Affairs, Bengal, * Superintendent, Government Printing, India, Deputy Superintendents, Government of India Printing Presses, and * Managers of Government of India Presses, the Resident Engineer, Government Dockyard, Dawbong, Rangoon, the Press and Forms Manager,

* Now styled Managers, Government of India Presses, Calcutta, Aligarh, Simla and Delhi.

Bengal Mathematical Adviser to the Survey of India, the Subdivisional Magistrate and Additional Magistrates, Rangoon, when recruited from the Bar, Manager and Chemist, Cordite Factory, Aruvankadu, Registrar, Original Side, Calcutta, Official Referee and Master, Calcutta, Registrar in Insolvency, Calcutta, Deputy Registrar, Original Side, Calcutta, Assistant Referee and Master, Calcutta, Secretary to the Chief Justice, Calcutta, Deputy Shipping Masters, Bombay and Calcutta, when held by persons recruited from the Mercantile Marine, Principal and * Vice-Principal, Government College, Ajmere, Director of Civil Aviation in India, ‡ Administrator-General and Official Trustee, Madras, Registrar, High Court (when not held by a Member of the Indian Civil Service), Master (formerly designated by Registrar, Original Side), Deputy Registrar, Appellate Side, First and Second Assistant Registrars, Original Side, Assistant Registrar, Appellate Side, Secretary to Government, Legal Department and Remembrancer of Legal Affairs, Madras, Principal, Law College, Madras, and of such other appointments as may be definitely specified in this behalf in other departments, except those included in clause (i) of Article 474-A, in which recruitment is likely to take place normally after 25 years of age, officers recruited over that age may add to their service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding five years by which their age at recruitment exceeded twenty-five years. Civil Assistant Surgeons in the Madras Medical department recruited on or after 1st November 1928 may similarly add to their service the actual period, not exceeding two years, by which their age at recruitment exceeded 25 years; First-class Health Officers and Assistant Directors of Public Health not belonging to the Indian Medical Service or the Indian Research department may similarly add to their service the actual period, not exceeding one year if recruited before 1st November 1928 and three years if recruited on or after that date, by which their age at recruitment exceeded 25 years. These concessions will not be granted to individual officers appointed at an age exceeding 25 years to departments or appointments other

* The words 'Vice-Principal' occurring in Article 404-A take effect from 1st October 1931.

‡ This applies to officers who were appointed on or after 19th January 1937 as Administrator-General and Official Trustee, and who are not members of the Indian Civil Service.

than those included above. No officer can claim the benefit of this article unless his actual qualifying service at the time he quits Government service is not less than ten years.

(NOTE.—The extra years conceded in this article count towards the limit of 28 years' qualifying service prescribed in Article 475-A.)

1. The provisions of this article apply to members of the Bar directly appointed before the 23rd February 1937 to Judicial posts ordinarily reserved for members of the Indian Civil Service, but, in their case, the maximum period to be added will be ten years

2. The provisions of this article do not apply to an officer recruited on or after the 23rd February 1937 for service as Principal or Assistant Master at the Prince of Wales Indian Military College, Dehra Dun, nor to officers appointed on or after that date to the posts of Manager and Chemist, Cordite Factory, Aruvankadu.

3. The provisions of this article also do not apply to officers of the departments and holders of the appointments mentioned therein, who are under the rule-making control of the Governor-General in Council and are recruited on or after the 8th July 1947.

Rulings.

1. The provisions of Article 404-A do not apply to officers of the departments and holders of the appointments mentioned therein who are under the rule-making control of the State Government and are recruited on or after 2nd July 1938.

[G.O. No. 666, Finance (Pension), dated 2nd July 1938, A.-G.'s Case P.V. 6-18 of 1938-39.]

2. Civilian officers directly appointed to Medical Professorships, Chemical Examinerships or Alienists' posts whose age at the time of appointment exceeds 25 years and who, prior to such appointment, were not members of any service will be eligible for the concession admissible under Article 404-A.

This concession may be applied with retrospective effect from 23rd July 1913.

[Government of India, Finance Department, No. F. 41-C.S.R., dated 3rd October 1924; A.-G.'s Case Pen. Mis 3-19 of 1924-25.)

3. The Comptroller and Auditor-General has decided with the concurrence of the Government of India that an officer of the Education department whose first appointment to the Government service was not to the Indian or State Educational Service cannot, as a matter of course, get the benefit of Article 404-A, as a direct recruit from the commencement of his service even though the post to which he was first appointed was subsequently merged in the Indian or State Educational Service.

(Comptroller and Auditor-General's No. T. 105-85-A/25, dated 29th September 1925; A.G.'s Case Pen. P.V. 1-1 of 1936-37.]

4. If an officer's previous service under a local body and his subsequent service under Government is treated as a single service qualifying for a single pension to be borne by the two authorities according to the Rule of Proportions, the concession of this article is not admissible to him.

[Government of India, Finance Department, No. 941-C.S.R., dated 29th September 1913; A.-G.'s Case Pen. Mis. 3-31 of 1933-34.]

5 The benefit of the concession referred to in this article will be given only to those officers who are recruited directly to the posts mentioned therein and not to those who are subsequently promoted to such posts

[Government of India, Department of Industries, No. A 52, dated 10th November 1921, recorded in G O Ms No 336, Finance (Pension), dated 21st November 1921, A G 's Case Pen. Ms No 3-43 of 1919-34]

6. The State Government have ordered that the term 'recruitment' occurring in Article 404-A has always been and should be interpreted to mean only first appointment to the service. This only means that the benefit of Article 404-A is not admissible to promotees; further those who were recruited to a post included in Article 404-A but subsequently reverted or appointed to a post not included in Article 404-A (e.g., a non-gazetted post) and then again reappointed to the post to which they were recruited will not be entitled to the benefit.

[G O. Ms No. 1, Finance (Pension), dated 4th January 1938; Filed in R 67 of 1937-38, and G O Ms No 567, Finance, dated 3rd August 1956.]

404-B. *In the case of a Government servant who is refused leave within the meaning of Fundamental Rule* 86 (*a*) *and* (*b*) *and avails himself of the leave during his re-employment or on the termination of his re-employment the amount of leave so taken shall count as service qualifying for pension subject to the provisions of Articles* 407 *and* 408.

NOTE.—*The pension should be calculated on the assumption that such leave is availed of immediately from the date of superannuation. The pension will commence from the date of expiry of a period equal to the period of leave which can be taken under Fundamental Rule* 86 (*c*) *reckoned from the date on which the officer attained the age of superannuation. Only the leave refused under Fundamental Rule* 86 (*c*) *counts for pension and not the other period of re-employment.*

(G.O. No. 381, Finance, dated 24th July 1944, T.M. No. 12-5/43-45/1333, dated 6th November 1944, and G.O. No. 280, Finance, dated 1st April 1946.)

405 & 406. *Omitted.*

Section II—Periods of leave.

SUPERIOR SERVICE.

407. Except as provided in Article 408, time passed on leave other than privilege leave, or subsidiary leave taken under the rules in force prior to 29th July 1920 does not count as superior service.

Rulings.

1. The extent to which leave taken under the Fundamental Rules shall count for pension under the rules now in force for the calculation of pensions is determined in accordance with the following rules:—

(1) Any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay in excess of four months, or any longer period to which Government servants

may be entitled under the operation of the note under rule 81 (*b*) of the Fundamental Rules, shall count as privilege leave whether in the calculation of pensions, proportionate pensions or additional pensions.

(2) Any other period of leave during which leave salary is drawn shall count as leave with allowances

[Government of India, Finance Department, No. 1260-C S R., dated 21st December 1921, recorded in G O No 8, Finance (Pension), dated 11th January 1922; A -G 's Case Pen. Mis 3-17 of 1921-24.]

2. The rule in clause (1) above should be applied in its literal sense. It is not necessary that the four months' leave on average pay referred to in this rule should be the amount that should be admissible as privilege leave under the conditions laid down in the Civil Service Regulations. In cases where leave on half average pay intervenes two periods of leave on average pay, the two periods of leave on average pay should be treated as one continuous spell of leave on average pay in order to determine whether the whole or the first four months of the leave should be treated as privilege leave for purposes of pension

(Comptroller and Auditor-General's Endorsement No. 96-A, 327-23, dated 28th January 1924, in A.-G.'s Case Pen Mis 3-17 of 1921-24)

3. In the case of a Government servant on leave on the 1st January 1922 who exercises the option of cancelling the unexpired portion of his leave and taking the balance of leave under the Fundamental Rules, it has been decided that the period of leave which shall count as privilege leave in the calculation of pensions shall be that which is credited as privilege leave in the leave account made up to the 1st January 1922.

(Government of India, Finance, Department, Resolution No 1137-C.S R , dated 6th July 1923; A.-G.'s Case Pen. Mis. 3-17 of 1921-24.)

4. An officer of a vacation department can count for pension so much of any leave on average pay taken in combination with vacation as will make his total vacation and leave on average pay equal to four months.

[Comptroller and Auditor-General's Endorsement No. 45-V.A.-340-22, dated 17th January 1923, recorded in G.O. No. 59, Finance (Pension), dated 5th February 1923; A.-G.'s Case Pen. Mis. 3-17 of 1921-24.]

5. In the case of leave on average pay alternated with deputation out of India, the leave on average pay should not be split up into different periods separated by deputation but treated as one continuous spell of leave and not more than 4 months in all will count for pension.

(Government of India, Finance, Department, No. F. 252-C.S R./26, dated 19th August 1926; A.G.'s Case Pen. Mis. 3-16 of 1926-27.)

6. Study leave granted under Appendix 32*, Civil Service Regulations, counts for ordinary pension irrespective of the provisions of Article 408.

[Government of India, Finance Department, No. 505-C.S.R., dated 30th May 1922, and Government of India, Finance Department, Telegram, dated 13th February 1926; G.O. No. 207, Finance (Pension), dated 15th June 1922; A.-G.'s Case Pen. Mis. 3-17 of 1921-24.]

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* Not printed.

7. The Government are pleased to pass the following orders regarding the extent to which leave taken by Government servants governed by the Andhra Pradesh Leave Rules, 1933, shall count for pension under rules in the Civil Service Regulations:—

(i) Any period of earned leave not exceeding 120 days in any one spell shall count as 'privilege leave' in the calculation of service for pensions and additional pensions

(ii) Any other period of leave (including earned leave in excess of 120 days in any one spell) during which leave salary is drawn shall count as leave with allowances

(iii) Earned leave alternating with deputation out of India shall not be split up into different periods separated by deputation but treated as one continuous spell of leave and shall count for pension as under (i) and (ii) above.

(iv) Study leave shall count as service for pension.

[G O No. 411, Finance (Pension), dated 20th April 1938; A.-G.'s Case P.V. 6-36/1934-39, and G.O Ms No. 517 Finance, dated 11th July 1956.]

LEAVE TAKEN BY PIECE-WORKERS OF GOVERNMENT PRESS

8. The restricted periods of leave on full pay which the piece-workers in the Government Press may take under the Special Rules applicable to them should, for purpose of pension, be treated as equivalent to privilege leave counting for pension under Article 407

[G.O Ms No 383, Education, dated 5th March 1942, A.-G.'s P.V.R and O.I. of 1941-42.]

408. Time passed on leave with allowances counts as service as follows :—

If the total service of the officer is not less than (1)	He counts as service a period of leave out of India not exceeding— (2)	He counts as service a period of leave in India not exceeding— (3)
15 years	1 year	1 year.
20 ,,	2 years	Do.
25 ,,	3 ,,	Do.
30 ,,	4 ,,	2 years.
35 ,,	5 ,,	Do.

NOTE 1.—[The periods in columns (2) and (3) are not cumulative, that is, an officer may not count two years' leave in 15 years' service or more than four years' leave in thirty years' service The maximum amount of leave both in and out of India which may be counted is that shown in column (2)]

NOTE 2.—[Total service in this article means total service reckoning from the date of commencement of service qualifying for pension and include periods of leave.]

NOTE 3.—[For the purpose of this article, Ceylon and the Straits Settlements are not held to be 'out of India'.]

Rulings.

1. The term 'commencement of service' in Note 2 under this article means 'actual commencement of service qualifying for pension in India.'.

(G.I. No. 527-T.I, Finance, dated 7th March 1906.)

If by special contract, an addition of British service or an addition of a number of years is made to the actual Indian service, the service in India only will be taken into consideration in determining total service as used in this note

2. Hospital, maternity and seamen's sick leave on leave salary equal to full or average pay granted under the Fundamental Rules to Government servants who retire on or after 2nd May 1928 shall count as privilege leave in the calculation of pension to the extent that ordinary leave on leave salary equal to average pay counts under rule 1 of Government of India Resolution No. 1260-C S R., dated 21st December 1921. Hospital leave on leave salary equal to half average pay shall count as leave with allowances under rule 2 of the same resolution of Government of India

The above do not apply to such leave granted under the Civil Service Regulations nor to leave granted under the Fundamental Rules to officers retired before 2nd May 1928

The above orders are in fact an interpretation of the expression 'leave on average pay' occurring in the Government of India Resolution No. 1260-C S.R., dated 21st December 1921, quoted as an authority under paragraph 1 of the rulings under Article 407 Hence when hospital, maternity or seamen's sick leave on full or average pay (except of course, such leave as special disability leave, for which special provision exists), exceeds four months, the first four months only of the entire spell of leave should be counted as privilege leave for purposes of pension.

[Comptroller and Auditor-General's letter No T. 1398-A.-11/28, dated 27th September, 1928, filed in A.-G 's Case Pen Mis 3-6 of 1928, Government of India No. F./9-VI/R.II. dated 2nd May 1928; G O. No. 445, Finance (Pension), dated 27th June 1928, G.O. No. 810, Finance (Pension), dated 23rd November 1928.]

3. War service concessions granted to the various services and departments will not be included in total service for the purposes of this article.

4. A piece-work compositor in the Government Press, shall, in addition to Sundays and other holidays admissible to employees in the Press, be permitted to count as service qualifying for pension the period of authorized casual leave without allowance actually taken by him subject to a maximum of fifteen days in a year.

(G.O. Ms. No. 805, Finance, dated 17th November 1927; A.G.'s Case Pen. Mis. 3-11 of 1927-28.)

5. The Government of India have decided that non-qualifying service allowed to count for pension under Article 361-A should not be taken into account for the purpose of article 408 *ibid* unless such service is treated as permanent for the purpose of leave also and that 'total service' in the latter article does not include the period added to service qualifying for pension under Article 404-A.

[Government of India, Finance Department, No. F. 6-LXXXIX-R.II/33, dated 17th November 1933, and G.O. No. 316, Finance (Pension), dated 30th November 1933; A.-G's Case Pen. Mis. 3-23 of 1933-34.]

6. A period of military service which has been allowed to count as part of service qualifying for pension under Civil Rules under Article 356 should be included in total service for the purpose of Article 408. Privilege leave and other leave with allowance taken during the period of military service will count for pension under Articles 407 and 408, respectively, like corresponding leave taken under Civil Leave Rules

[Government of India, Finance Department, No F 12-IV-R.II/32, dated 7th March 1932, G.O. No 173, Finance (Pension), dated 22nd April 1932, A-G's Case Pen Mis. 3-16 of 1930-32.]

7 It has been decided by the Government of India that leave granted by foreign employers out of India to Government servants lent to them vide Fundamental Rule 123 (*a*) should be treated as leave and not as duty Any such leave, if taken on full or average pay or equivalent terms should, up to a limit of four months on any one occasion be treated as privilege leave for the purpose of Article 407, and all other leave with leave allowances should be dealt with as in Article 408.

[Government of India, Finance Department, Letter No F. 1 (9) R 1-32, dated 18th February 1932, G.O. Ms. No. 90, Finance (Pension), dated 1st March 1932; A-G's Case Pen. Mis 3-20 of 1931-32]

8 When particulars of leave taken during military service are not available from records, a statement should be obtained from the Government servant regarding the periods of leave taken by him during his military service, and these periods, if any, should be allowed to count for civil pension under Articles 407 and 408, as though such leave was granted under civil rules. If the Government servant is unable to furnish the above information, the military service should be reckoned for civil pension on the assumption that no leave was taken during the military service.

[G.O No. 255, Finance (Pension), (Confidential), dated 29th April 1933; A G.'s Case Pen Mis. 3-16 of 1930-32.]

9. Sick leave taken by an officer during military service will count for pension as well as proportionate pension up to a maximum of 2 years (as in the case of special disability leave) irrespective of whether he was eventually invalided from military service or not. If he was invalided from military service, any such period of sick leave allowed to count for pension should be deducted from any period of disability leave that might otherwise be admissible to him on his release from military service.

This concession will have effect from the commencement of the Great War, viz., 4th August 1914.

[Government of India, Finance Department, No. 249-C.S R /26, dated 18th August 1926, Comptroller and Auditor-General's No. 525-A, 53/26, dated 3rd September 1926, and Government of India, Finance Department, Resolution No F. 6-VIII-R. II/32, dated 3rd March 1932; A-G.'s Case Pen. Mis. 3-11 of 1925-34.]

10. The expression 'periods of leave' occurring in Note 2 to Article 408 should be taken to include leave with allowances as well as extraordinary leave without allowances taken during the course of qualifying service (i.e., during which an officer holds a lien on a permanent post). Any periods of leave taken during non-qualifying service rendered after the commencement of qualifying service should, however, be excluded.

(Letter from the Comptroller and Auditor-General of India, No 292-A/K.W.-6-38, dated 17th June 1939, A.G.'s Case P.V. 6-29/1938-39.]

409. *Omitted.*

410. Time passed on leave obtained to be present at an examination which must be passed before an officer is eligible for higher subordinate appointments such as Deputy Magistracies, counts.

411. The Government of India may at its discretion decide in the case of an officer (including a person in training for, but not actually appointed, to Government service) who is selected to undergo a course of ~~training~~, whether the time spent in training shall count as service qualifying for pension. A Local Government exercises similar powers in respect of officers serving under it.

NOTE 1.—[The Government of India and Local Governments may delegate their power under this article to heads of departments as regards officers serving under them]

NOTE 2.—[The Government of India or a Local Government may issue general orders under this Article in regard to any specified class of officers under training]

Rulings.

1. The various kinds of training referred to in Annexure I to the Fundamental Rules and Subsidiary Rules issued by the Andhra Pradesh Government have been ordered to be treated as on duty.

2. Any State Forest Service Probationer who has not been appointed permanently to Government service before attaining the age of 23 will count as service towards pension any period of training or probationnary service undergone after he attained that age.

(G.O. No. 423, Finance, dated 31st May 1919, A.G.'s Case of G.A.-12-3 of 1917-20.)

3. Service of a Government servant in the Indian Defence Force will count for pension.

[G.O. No. 1425, Public, dated 5th December 1917, A.-G.'s Case Pen. Mis. 3-41 of 1917 (18)]

4. Time spent by Government servants in training in the old Agricultural College, Madras, may be counted as service qualifying for pension.

[G.O. No.613, Finance (Pension), dated 16th September 1933; A.-G.'s Case Pen. Mis. 3-17 of 1933-34.]

5. Training of all kinds counts as service for the purpose of pension in the case of subordinate officers of the Police department.

(G.O. No. 329, Financial, dated 24th May 1917, quoted in Appendix D to the Madras Supplement to the Civil Service Regulations, 5th Edition, 1918; A.-G.'s P.V.R. and O., file 1-1 of 1942-43.]

412. When an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is employed, or is detained after the termination of his leave, on duty, the period of such employment or detention counts.

RECALL TO DUTY.

413. Time spent on the voyage to India by an Officer who is recalled to duty before the expiry of any recognized leave out of India counts, provided his return to duty is compulsory.

LAST GRADE SERVICE

414. A Last grade servant counts leave with and without allowances not exceeding in the aggregate that which might be given with allowance under the rules in Chapters XII and XIV.

Rulings.

1 A last grade servant belonging to a season establishment who is on leave without allowances for a period covering that during which the establishment is employed as well as that during which the establishment is not employed, is not entitled to the concession of counting the whole period of leave without allowances as service for pension under Article 414. He can count only so much of the period as fulfils the conditions laid down in Article 369.

(Government of India, No. 7820, Finance and Commerce, dated 13th December 1904.)

2. The amount of privilege leave that might have been given to last grade servant under this article should be calculated on his net service after deducting long leave of all sorts actually taken from the total service.

(Government of India, Finance Department, No. 2017-P., dated 12th April 1905.)

3. In determining the periods of leave without allowances enjoyed by a last grade servant, to be reckoned as service qualifying for pension, each period should not be taken by itself, but all the leave taken with or without allowance should be added together and so much of it as does not exceed the leave that might have been granted with allowances under the rules treated as qualifying service and the remainder, if any, rejected as non-qualifying.

(Government of India, Finance Department, No. 8147-P., dated 26th December 1904.)

4 Article 414 does not refer to 'Hospital leave' admissible.

(Government of India, Finance Department, No. 3920, dated 26th September 1892.)

5. A last grade Government servant can count leave with and without allowances as qualifying for pension up to the amount of leave 'earned' under Chapters XII and XIV, Civil Service Regulations.

(Comptroller and Auditor-General's letter No. T 75-A./25-33, dated 26th April 1933; A.-.G.'s Case Pen. Mis. 3-12 of 1933-34.)

Illustrations.

	Y.	M.	D.
(1) Gross service from 10th July 1901 to 23rd December 1931	22	5	14
Deduct leave taken of all kinds	6	9	24
	15	7	20
Privilege leave earned under Chapter XII of the Civil Service Regulations (One-eleventh of 15 years, 7 months and 20 days)	1	5	2
(2) Gross service from 10th July 1909 to 23rd December 1931 .	22	5	14
Deduct leave other than privilege leave	5	4	22
Net active service	17	0	22
Furlough earned under Chapter XIV of the Civil Service Regulations (one-sixth of 17 years and 22 days) ..	2	10	3
(3) Total leave earned under Chapters XII and XIV of the Civil Service Regulations which counts for pension under Article 414, Civil Service Regulations—			
Vide No. (1) above	1	5	2
Vide No. (2) above	2	10	3
Total .	4	3	5

The balance of leave, viz., 6 years, 9 months and 24 days *minus* 4 years, 3 months and 5 days = 2 years, 6 months and 19 days, is non-qualifying leave and the net qualifying service would be = 22 years, 5 months and 14 days *minus* 2 years, 6 months and 19 days = 19 years 10 months and 25 days.

6. Article 414 cannot be interpreted to give any benefit in excess of that admissible under Article 371 in respect of service rendered by a last grade Government servant prior to confirmation. That is, periods of leave taken by a last grade servant during officiating service which counts under Article 371, will not count as qualifying service under Article 414.

(Accountant-General's Orders in A.G.'s Case P.V. P. 74 of 1939-40.)

415. *Cancelled.*

Section III.—Suspensions, resignations, breaks and deficiencies in service.

Periods of Suspension.

416. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement, but time passed under suspension adjudged as a specific penalty does not count.

417. If an officer, who has been suspended, pending enquiry into his conduct, is reinstated, but with forfeiture of any part of his allowances for the period of suspension this period does not count (save with the special sanction

of the Head of the Department), unless the authority who reinstates the officer expressly declares at the time that it shall count.

RESIGNATIONS AND DISMISSALS.

418. (*a*) Resignation of the public service, *(or dismissal) or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(*b*) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. (*a*) Any authority who on revision or appeal reverses an order dismissing * (or removing)an officer, may declare that the officer's past service counts.

INTERRUPTIONS.

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases:—

(*a*) Authorized leave of absence.

(*b*) Unauthorized absence in continuation of authorized leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

(*c*) Suspension immediately followed by reinstatement which need not be to the same office.

(*d*) Abolition of office or loss of appointment owing to reduction of establishment.

(*e*) Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture. [But *see* Example (*c*) of Article 386.]

(*f*) Transfer to service on the Household establishment of the Viceroy.

(*g*) Time occupied in transit from one appointment to another, provided that the officer is transferred under the orders of competent authority, or, if he is a non-gazetted officer, with the consent of the head of his old office.

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*The words in brackets occurring in Articles 418 and 419 take effect from 18th June 1935.

Rulings.

1. An officer who is discharged on the abolition of an appointment is entitled to the benefit of clause (*d*) of Article 420, even though the appointment abolished may not have been that which he held or even one of the particular establishment on which he was actually serving.

(Government of India, Finance Department, No. 5594-P, dated 9th September 1907.)

2. A period of overstayal of leave does not count for pension.

(Paragraphs 1-A of Section III of Manual of Audit Instructions)

3. This article is applicable to temporary as well as to permanent service, provided such temporary service is service which qualifies for pension.

NOTE 1.—The State Government have declared that the above orders will apply to cases in which pensions have not been finally sanctioned Cases finally disposed of before the date of the orders leading to the above rule should not be re-opened

[Government of India, Finance Department, No. F. II-20-R.II/35, dated 15th July 1935, G.O. Ms. No. 825, Finance (Pension), dated 23rd October 1935; A.-G.'s Case P.V. 1-3 of 1934-35.]

NOTE 2.—The State Government have decided that clause (*d*) and other clauses of Article 420 will apply to temporary service in the Survey, Settlement and Co-operative departments, only if such temporary service is *followed without interruption* by qualifying service. Officiating service in the Survey or Settlement department occurring between the temporary service and qualifying service in the same or other departments will not operate as an interruption. Interruption of any other kind, e.g., (*a*) break due to reduction of establishment in the Survey or Settlement department, or (*b*) non-qualifying service occurring between the termination of service in the Survey or Settlement department and qualifying service in other departments should be condoned by Government under Article 422.

[Finance U.O. Note No. 27043-Pen.-5, dated 19th December 1939; A.-G.'s Case P V 6-5 of 1939-40.]

4. Overstayal of joining time is not covered by any of the exceptions specified in Article 420. An overstayal of joining time, therefore, entails forfeiture of past service under the rule as it stands unless it is regularized, say, by extension of joining time, or condonation of the interruption under Article 422, or by granting leave on average pay to cover the period of overstayal, the officer being deemed to have proceeded on leave from the date of relief at the old station and then to have availed himself of the joining time under Fundamental Rule 105 (*b*).

The entire period of absence, i.e., joining time and its overstayal would, however, require to be regularized by conversion into any leave to which the officer may be entitled under the rules, only in cases where leave entitling an officer to joining time at the end of it cannot be granted to cover the period of overstayal.

As regards powers of the State Government to condone interruptions in the pensionable service of Secretary of State's Officers—vide ruling 5 under Article 422.

[Letter No. T. 452-A.-145/41, dated 8th July 1941, from the Comptroller and Auditor-General to the Accountant-General, Central Provinces and Berar; A.-G.'s Case P.V.R. and O.-3 of 1941-42.]

NOTE.—In cases where a Government servant is subjected to the penalty under Fundamental Rule 108 for overstayal of joining time, specific orders should be issued in each case condoning the interruption under Article 422.

The interruption in service caused by overstayal of joining time in all past cases has also been condoned for purposes of pension.

(G O. Ms No. 398, Finance, dated 6th April 1943; A.-G's R. and O file No 3-41 of 1942-43.]

421. The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances.

Ruling.

The power of commuting retrospectively periods of absence without leave into leave without allowances is absolute and is not limited to the provisions of Article 306, or Fundamental Rule 85 (*a*); in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

(Comptroller and Auditor-General's letter No. 63-A/17-35, dated 22nd March 1935; G.O. No. 255, Finance, dated 12th April 1935; A.-G.'s Case P.V. 1-1 of 1935-36 and T.M. 102 of 1935-36.]

CONDONATION OF INTERRUPTIONS AND DEFICIENCIES.

422. Upon such conditions as it may think fit in each case to impose the authority competent to fill the appointment held by an officer at the time condonation is applied for, were he to vacate that appointment, may condone all interruptions in his service.

NOTE.—The powers under this article should be exercised subject to any rules which the Government of India may deem fit to prescribe.

Rulings.

1. Th powers of condonation specified in Article 422 carry with them the power of reviving service rendered prior to interruptions, but forfeited under Article 418 (*a*).

(Government of India, Finance Department, No. 5469, dated 23rd December 1897.)

2. An interruption between an officer's non-qualifying service in the Settlement department and his subsequent qualifying service can be condoned under this article.

(Government of India, Finance Department, No. 100-C.S.R., dated 23rd January 1918, communicating Government of India, Department of Revenue and Agriculture, No. 813, dated 6th December 1917, A.-G.'s Case Pen. Mis. 3-44 of 1917-18.)

The Government, however, reserve to themselves the power to condone an interruption between an officer's non-qualifying service in the Survey or Settlement department and his subsequent qualifying service under Article 381 (*b*), in order to make the former service qualifying.

[G.O. Ms. No. 1041, Finance (Pension), dated 9th December 1929; A.-G.'s Case Pen. S-8 of 1929-30.]

The above order will have effect from the date of its issue on 9th December 1929.

[G.O. Ms. No. 169, Finance (Pension), dated 4th March 1930; A.-.G's Case Pen. K.-74 of 1929-30.]

NOTE.—Sanction of Government is necessary only in cases where interruptions in temporary service in the Survey and Settlement departments not falling under Article 420, have to be condoned under Article 422.

[G.O. No. 823, Finance (Pension), dated 23rd October 1935; A.-G.'s Case P.V. 1-3 of 1934-35.]

3. It has been decided by the Comptroller and Auditor-General with the concurrence of the Government of India that an interruption between an officer's non-qualifying service and his subsequent qualifying service can, under Article 422, be condoned in order to make the former service qualifying for pension under Articles 370, 371 and 381 (*c*) *ibid.* This decision is based on the principle underlying the ruling in Government of India, Revenue and Agriculture Department, letter No. 813, dated 6th December 1917, which is already applied to cases falling under article 381 (*b*)—viz., that if an interruption is condoned under Article 422, it is reasonable to hold that there is no interruption and the service therefore becomes continuous.

(Comptroller and Auditor-General's letter No. 52-A/14-34, dated 8th March 1934, A.-G.'s Case Pen, Mis. 3-29 of 1933-34.)

4. Government have not reserved to themselves the power of condoning interruptions between an officer's non-qualifying service and his subsequent qualifying service to make the former service qualifying under Article 370 or Article 371.

[G.O. No. 153, Finance (Pension), dated 4th March 1940, Memorandum No. 16247, Finance (Pension), dated 23rd December 1940; Case E.F.P. 7 of 1940-41 and Memorandum No. 24034-Pen.-1, dated 8th July 1940, and G.O. No. 619, Finance (Pension), dated 27th September 1940; A.-G.'s Case E.F.O. 1/40-41.]

POWERS OF GOVERNMENTS IN INDIA TO CONDONE INTERRUPTIONS IN THE PENSIONABLE SERVICE OF SECRETARY OF STATE'S OFFICERS.

5. The exercise of powers by the State Government in the matter of condonation of interruptions in service should properly be treated as an 'act of discretion' rather than on 'act of grace' particularly for the reason that an interruption in service, if not condoned, involves a forfeiture of past service and would thus result in a diminution in pension.

According to the literal interpretation of Article 422, a Government in India is competent to exercise the power under this article, but since this will be an 'act of discretion' on the part of the Government it will be permissible for it to do so only if its decision is *in favour* of the officer. If otherwise, the consent of the President of the Republic of India is required under Article 314 of the Constitution of India as a decision taken by it which will result in any diminution of the pension that will be admissible had condonation been sanctioned—unconditionally, would mean an 'award of a pension less than the maximum pension allowable under rules'—vide also ruling 4, under Article 470. This view has the concurrence of the Government of India.

(Comptroller and Auditor-General's U.O. Reply I, No. 759-A-197-42, dated 26th September 1942; A.-G.'s P.V.R. and O.-1-1 of 1941-42.)

6. An order condoning a break in service under this article has the effect of reviving *for purposes of pension only* the service rendered prior to the break, but forfeited under Article 420. Authorities competent to

condone breaks in service under this article should specify in the order that condonation has been allowed for purposes of pension only.

[G O. No. 495, Finance (Pension), dated 1st October 1947]

423. (1) Upon any conditions which it may think fit to impose the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.

(2) *The Government may similarly condone a deficiency not exceeding 12 months provided that Heads of Departments as defined in the Fundamental Rules may condone a deficiency not exceeding 12 months in the case of non-gazetted subordinates under them.*

NOTE.—*The delegations to Heads of Departments is subject to the conditions prescribed in Finance (Pension) Memorandum No. 37173-2, dated 6th October 1939, which are reproduced in ruling 8 below. Cases in which the conditions prescribed in the memorandum are not satisfied should be submitted for the orders of the Government.*

[G.O. Ms. No. 437, Finance (Pension), dated 12th May 1943; A.-G.'s P.V R. and O., File No. 1-1 of 1943-44.]

Rulings.

1. The term 'pension' which occurs in Article 423 is not used there in contradiction to 'gratuity' but includes it—vide Article 41.

(Government of India, Finance Department, No 1824-1-F., M G., dated 8th April 1914, and Government of India, Finance Department, No 1194-C.S R., dated 23rd October 1915, India Supplement.)

2. The word 'deficiency' includes not merely the period by which an officer's qualifying service falls short of the *minimum* length of qualifying service, which would entitle him to a pension, but should be read as including the difference between the total amount of his service qualifying for pension and the total length of service necessary to earn the *maximum* amount of pension admissible under the rules.

(Government of India, Finance Department, No. 4169, P., dated 16th August 1900)

3. Article 423 is not intended to be used merely to allow Government servants to retire on full pension voluntarily a little sooner than they otherwise could.

(G O.No 551, Educational, dated 30th September 1901, communicating Government of India, Home Department, letter No. 389, dated 14th September 1901.)

4. Presidents, district boards, can condone deficiencies in service under Article 423 (1) in the case of Local Fund servants whose pensions they are competent to sanction.

[G O. Ms No. 623, Finance (Pension), dated 6th August 1929; A.-G.'s Case Pen Mis. 3-9 of 1929-30.]

NOTE —The powers referred to in this paragraph have been withdrawn so far as pensions to the employees of the late taluk boards are concerned Any cases of hardship (e.g., where a deficiency of few days might result in disproportionate reduction of pension) may, however, be submitted for the orders of Government.

(G.O. No. 1510-L & M., L S.G; dated 15th April 1935, A.-G.'s Case P V. 6-37 of 1934-35]

5. (1) The discretion allowed by sub-rule 25 (*c*) of Annexure II, Part I, of the Fundamental Rule may be exercised only in the case of Government servants who are sent before a competent medical authority

for grant of leave and the latter certified them to be completely and permanently incapacitated for further service.

(Pen. Mis. No. 3-8 of 1930-31 and copy of Government Order filed in A.-G.'s Case S 110 of 1933-34.)

(2) A head of a department exercising the discretion allowed by Subsidiary Rule 25 (*c*), Annexure II, Part I, of Fundamental Rules is not at the same time competent to allow a further addition to qualifying service for pension by condoning deficiency under Article 423 (1), but should submit such cases to Government through the Accountant-General for their orders.

[G.O. Ms. No. 576, Finance (Pension), dated 17th July 1930, A.-G.'s Case Pen. Mis 3-8- of 1930-31, A.- G.'s Case Pen S. 110 of 1933-34.]

6. (*a*) When condonation is allowed under Article 423 (2), there is no technical bar to the concurrent grant of a gratuity for the last grade portion of service under Article 398 (*b*). If satisfactory reasons exist (i.e., premature invaliding or compulsory retirement owing to reduction, etc.), for condoning the deficiency in superior service, independently of the co-existence of last grade service, condonation may properly be sanctioned under Article 423 (2) without forfeiture of gratuity. If, however, the sole reason for condonation is the fact of last grade service in addition, condonation may be sanctioned only under Article 423 (3) * and no gratuity is admissible in respect of any portion of the last grade service.

(C.C.A.'s letter No. T. 1397-N.G.E 64/30, dated 18th September 1930; A.-G.'s Case Pen. Mis No. 3-14 of 1930-31.]

(*b*) The circumstances in which the deficiency is condoned should be indicated in the order sanctioning the condonation

[G.O. No. 941, Finance (Pension), dated 28th October 1930; A.-G.'s Case Pen. Mis. 3-14 of 1930-31.]

7. The Government of India have decided that, as a compassionate allowance under Article 353, is granted to an individual who has been dismissed from service as an act of grace, the grant of any further concession in the shape of a condonation of a deficiency would not be justified and that it is undesirable that sanctioning authorities should sanction condonation of deficiencies in such cases.

(Government of India, Finance Department, letter No. F. 4 (6) R. II/37, dated 19th August 1937, A.-G.'s Case P.V. 6-17 of 1937-38 and G.O. No. 682, Finance (Pension), dated 2nd September 1937.]

8. (1) The Government have laid down that the following principles should be observed by all authorities competent to sanction condonation of deficiencies in service under Article 423 (1) :—

(i) If there has been a considerable period of acting service, which does not qualify for pension, the condonation may be given as a set off against this loss.

(ii) If the applicant has rendered last grade as well as superior service, and the last grade service does not separately qualify for pension, a deficiency in superior service may be given as a set-off against the loss. [This is practically the concession permitted by Article 423 (3)*.]

* Omitted

(iii) If the applicant's service exceeds 24 years, but falls short of 25 years the condonation may be sanctioned to prevent the hardship of the loss of a large increase in pension owing to a small deficiency in qualifying service.

(iv) Condonation may as a rule be allowed where it would enable a person who would otherwise get only a gratuity to become eligible for a pension, i.e., where qualifying service just falls short of 30 years in the case of last grade servants and of 10 years in the case of superior servants.

(2) As regards persons who retire as gazetted officers the pensions admissible under the rules will ordinarily be adequate and Article 423 should not be used merely for the purpose of increasing the pension. Such persons are not likely to have any last grade service to their credit and the Government are not in favour of admitting an increased pension where only one of the principles (i) and (iii) mentioned in paragraph 1 is applicable. A deficiency will, however, ordinarily be condoned where the qualifying service exceeds 24 years but falls short of 25 years, and the officer has in addition rendered for a considerable period of service which does not qualify for pension. Condonation will also generally be allowed where it means the difference between a pension and a gratuity. Heads of Departments are required to bear these principles in mind when recommending condonation of deficiencies in the service of persons who retire as gazetted officers.

[Finance Memorandum No. 37173, Pen.-2, dated 6th October 1939, A.-G.'s Case P.V No 6-32 of 1939-40.]

9. A deficiency in the effective service in posts qualifying for special additional pensions under Article 475-A cannot be condoned under Article 423.

(Secretary of State's letter No. S.A.G.'s 5402/39, dated 11th September 1939, communicated with Government of India, Department of Labour, Letter No E. 13, dated 15th November 1939, A.-G.'s Case P.V. 6-33 of 1939-40.)

10. There is no objection to a competent authority who condones under Article 422 an interruption in an officer's service sanctioning also at the same time the condonation of a deficiency in his service under Article 423 (1) based on the total service which becomes qualifying *after* the interruption is condoned.

[Finance Memorandum No. 47992-Pen.-2, dated 24th January 1941; A.-G.'s P.V. Rules and Orders file 1940-41.]

Chapter XVIII—Conditions of grant of pension

Section I.—Classification of Pensions.

424. Pensions for "Superior Service" are divided into four classes, the rules for which are prescribed in the following sections of this Chapter:—

(*a*) Compensation pensions (*see* Section II).

(*b*) Invalid pensions (*see* Section III).

(*c*) Superannuation pensions (*see* Section (IV)

(*d*) Retiring pensions (*see* Section V).

425. Pensions for "Last grade service" are regulated by Articles 481 to 485.

Section II—Compensation Pension

* **426.** If an officer is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option—

(*a*) of taking any compensation pension or gratuity to which he may be entitled for the service he has rendered, or

(*b*) of accepting another appointment on such pay as may be offered, and continuing to count his previous service for pension.

** **426.** If an officer is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option—

(*a*) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or

(*b*) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

Rulings.

1. A reduction in the number of men paid for piecework and treated as having held a substantive office under Article 380 should be considered as an abolition of their appointments, and the savings may, in such cases, be calculated on the average earnings of the last six months as laid down in rule 1 under Article 486.

(Government of India, Finance Department, No. 661-P., dated 29th October 1903.)

2. An officer in foreign service should be held to have lost his lien from the date on which his post in Government service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which he is

* This applies to officers under the rule-making control of the Secretary of State and takes effect from the 9th June 1937.

** This applies to officers under the rule-making control of the Central Government and takes effect from the 9th June 1937.

entitled in addition to the pay which he receives at the time from his foreign employer.

(Government of India, Finance Department, No 880-E.C, dated 11th March 1907, conveyed in Government of India, Finance Department No. 3444-P, dated 3rd June 1907.]

3 When an officer is transferred from pensionable Government service to a non-pensionable establishment, he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the public service, that is, from the non-pensionable establishment to which he belongs

(Government of India, Finance Department No. 1941-P, dated 30th March 1908)

4. If an officer is transferred to a non-qualifying appointment in the interest of the public service and under orders of a competent authority, he is entitled to a compensation pension if discharged on abolition of that non-qualifying appointment

(Government of India, Finance Department No. 490, dated 21st April 1928)

427. *Cancelled.*

SELECTION FOR DISCHARGE

428. The selection of the officers to be discharged upon the reduction of an establishment should *prima facie* be so made that the least charge for compensation pension will be incurred.

Ruling.

It is within the power of the State Government when one out of two or more settlement establishments is to be abolished, to regard all the establishments in question as a whole for the purpose of selecting the particular individuals who are to be retired, provided the principle upon which the selection is based is that laid down in this article.

(Government of India, Finance Department, No. 395, dated 25th January 1897.)

429. The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 426; the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for compensation pension. The saving should always exceed the cost of the pension ; otherwise it may perhaps be better to postpone the reduction of establishment or abolition of appointment.

NOTE.—(The relaxation of the condition laid down in this Article requires the sanction of the State Government in respect of appointments which it is competent to abolish, and otherwise of the Government of India.)

RESTRICTIONS.

430. A Deputy Collector, Munsif, or similar Officer who belongs to the public service apart from his particular

local appointments cannot obtain a compensation pension on the abolition of a particular appointment.

431. No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

432. No pension may be awarded for the loss of a duty or local allowance.

433. Schoolmasters or other officers who, in addition to their other duties, are employed in any capacity in the Postal Department, are not entitled to compensation pension on being relieved of such duties.

Special Cases.

434. If it is necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the State Government, who will deal with it in accordance with the rules laid down in this section as to notice of discharge and compensation pension or gratuity.

435. If of two appointments held by one officer, only one is abolished and it is desired to give him an immediate pension in respect of the abolished post, the case should be specially referred for the orders of the Government of India or of the State Government competent to abolish the appointment.

Notice of discharge.

436. Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Articles 474 to 481; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

(1) The gratuity prescribed in this Article is not granted as compensation for loss of employment but only in lieu of notice of discharge, with a view to mitigate the hardship caused to an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

(2) Unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving such notice. In the case of an officer on leave, the order shall not be brought into operation until the leave expires.

NOTE.—" Emoluments " in this rule means the emoluments or leave allowances (or partly the one, partly the other) which the officer would be receiving during the period in question had the notice not been given him.

Ruling.

A permanent servant of Government who is served with notice of discharge shall suffer no reduction in his total emoluments for three months counting from the date of the notice.

(Government of India, Finance Department, No. 3422-P , dated 18th August 1893.)

Example.—An officer on furlough up to 3rd July 1892, served with notice of discharge on the 9th May 1892, should be allowed furlough allowance up to 3rd July 1892 and thereafter full pay up to 8th August 1892.

(Government of India, No. 142, A.E. P.W.D., dated 12th June 1893.)

436-A. Whenever it is found necessary to determine the service of an officer serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the officer in writing.

OFFER OF RE-EMPLOYMENT.

437. *Cancelled.*

438. The rule in Articles 511 and 512, requiring the refund of a compensation gratuity on re-employment, applies to a gratuity awarded under Article 436, if the

officer is permanently re-employed within three months from the date of notice. But the officer need not refund that proportion of his gratuity under this rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity; but if such temporary employment is foreseen the gratuity should be proportionately reduced.

439. *Cancelled.*

ACCEPTANCE OF NEW APPOINTMENT.

440. If an officer who is entitled to compensation pension accepts instead another appointment in the public service and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

Section III—Invalid Pension.

441. An invalid pension is awarded, on his retirement from the public service, to an officer who, by bodily or mental infirmity, is permanently incapacitated for the public service or for the particular branch of it to which he belongs.

Rulings.

1 The Secretary of State has observed that it would have been more satisfactory if arrangements had been made for the medical examination of the officer by official medical officers, e.g., through the representative of the Ministry of Pensions in New Zealand rather than that the officer should have been allowed to select his own examiners, a procedure which is obviously open to grave abuse. The Secretary of State has accordingly requested that this procedure may be adopted in any similar cases that may arise in the future.

[G.O. Ms. No. 187, Finance (Pension), dated 26th June 1925; A.G.'s Case Pen. Mis No. 3-7 of 1925-26.]

2. If a Government servant who, under the conditions of his service, is liable to be deputed for military duty is found physically unfit for such duty when called upon, he is liable to be invalided from service—see Article 441. A decision to invalid such Government servant may not, however, be given effect to if a Medical Board or other competent medical authority is of opinion that the Government servant concerned may become fit for military duty if he undergoes suitable medical or surgical treatment If, on the other hand, the Government servant declines to undergo the treatment, he will be invalided and his case will **not** be considered as one of complete and permanent incapacity for

service and he will not as a matter of right be entitled to any penison. It is open to the Government to decide in such cases whether any pension should be allowed and if so, whether it should be the full or a reduced pension.

[G.O. Ms. No. 1688, Public (Services), dated 22nd June 1943, A.G.'s R. and O. file 1943-44.]

RULES REGARDING MEDICAL CERTIFICATES.

442. If an officer applying for an invalid pension is sixty years old or upwards, no certificate by a Medical Officer is necessary; it suffices for the head of the office to certify to the incapacity of the applicant. Otherwise incapacity for service must be established by a medical certificate attested as follows:—

(*a*) If the officer submitting it is on leave in England—by the Medical Board at the India Office.

(*b*) If he is serving at or near the capital town of a State—by the Administrative Medical Officer of the State or by a Medical Committee over which the Administrative Medical Officer should, when practicable, preside.

(*c*) If he is an officer in Superior service, and is serving in the interior of the country under such circumstances that, in the opinion of the authority which sanctions the pension, he can be conveniently required to appear before a Medical Invaliding Committee—by such Committee.

(*d*) In other cases, the authority which sanctions the pension may either accept a certificate given by a single Commissioned Medical Officer or Medical Officer in charge of a civil station, or assemble a special Invaliding Committee at a convenient civil station.

(*e*) If the pension applied for exceeds Rs. 100 a month a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible, without undue inconvenience, to assemble an Invaliding Committee or to cause the applicant to appear before the Direcctor General, Indian Medical Department, or the Standing Medical Committee at the Presidency.

Except in the case of an officer on leave in England, no medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the head of his office or department is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the

office or department in which the applicant is employed, with a statement of what appears from official records to be the applicant's age. Where the applicant has a service book, the age there recorded should be reported.

(*g*) In the case of civilians in the various administrative services and departments of the Indian Army including the Military Accounts Department who, under an agreement, are liable for field service, incapacity for service must be established by a Military medical board, the members of which will attest the medical certificate.

Rulings.

1. The Medical Certificate referred to in this Article should invariably be drawn up in Medical Form No. 1-27 (Civil Medical Form No. 32).

[G.O. No. 818, Finance (Pension), dated 16th September 1931; A.G.'s Case Pen. Ms. No. 3-16 of 1931-32.]

2. The Government of India have decided that the system of taking finger-prints by Medical Officers on the medical certificates in the case of invalid pensions and commutation of pension should remain in force.

[Government of India, Finance Department, letter No. F. 67-R., I.-28, dated 17th September 1928.]

3. All non-Indian Medical Service Medical Officers who are in charge of Central Jails as Superintendents have the status of Civil Surgeons and may therefore be considered as competent to grant certificates of unfitness for further service under Article 442.

[G.O. No. 2484, Law (General), dated 22nd June 1931; A.G.'s Case Pen. No. C-20 of 1931-32.]

4. Commissioned Medical Officers, District Medical Officers and Civil Surgeons are alone authorized to grant certificates of unfitness for further service.

(G.O. No. 767, Public, dated 24th July 1896.)

4-A. Honorary Surgeons and Physicians may issue certificates, invaliding for further service, Government servants who are patients in their wards on receipt of a requisition from the heads of offices or departments to which the Government servants belong.

Such invaliding certificates issued in the cities of Hyderabad and Secunderabad should be countersigned by the Director of Medical Services.

[Rule 12 of the rules appended to G.O. No. 3600, P.H., dated 23rd December 1937 (A.G.'s Case G.A. No. 9–28 of 1937—39 and telephone message, dated 2nd September 1940, from the Director of Medical Services with the Government of Madras); A.G.'s File P.V, Rules and Orders of 1940—41.].

4-B. All cases in which it is certified that the incapacity for service is due to irregular intemperate habits should be submitted to Government for orders through the proper channel, together with the opinion of the Director of Medical Services.

[G.O No. 747, Finance (Pension), dated the 5th December 1941; A.G.'s P.V R. and O File of 1941-42.]

4-C Certificates granted for the purpose of Article 442 (*d*) by a District Medical Officer of the Mysore State who is in possession of any of the qualifications included in the schedule to the Indian Medical Council Act, 1933 (XXVII of 1933), may be accepted.

[Finance Officer's (Communications Postal)—Endorsement No. E.S.B., 61-7-38, dated the 11th October 1939 (Copy in A.G.'s) P.V. Case No. A.-79 of 1942-43.]

5. The countersignature of the Director of Medical Services in the invalid certificates of an officer serving in the mufassal is not necessary. But all cases in which the Medical Officer certifies that the incapacity of an officer is due to irregular or intemperate habits, should be submitted to Government through the proper channel together with the opinion of the Director of Medical Services for the orders of Government.

[G.O. No 526, Finance (Pension), dated 16th July 1914; A.G.'s Pen Mis. No. 1-1 of 1908-15.]

5-A. The Government have decided that in the case of non-gazetted mufassal police officers residing in Hyderabad or Secunderabad during their period of leave, the certificate of unfitness for further service should be granted by the Police Surgeon

(G.O. Ms. No. 915, P.H. dated 8th March 1938; A.G.'s File in P.V. No. 6-29 of 1937-8.)

5-B. In the case of a Government servant serving in the city of Hyderabad or Secunderabad the medical certificate invaliding him should be signed or counter-signed by the Director of Medical Services. If the certificate is granted by a Medical Officer in charge of a district on account of the fact that he was spending his leave in that district, the certificate so granted should be got countersigned by the Director of Medical Services.

(A.G.'s Orders, dated the 16th August 1941; Case D. 2/41-42.)

6. The State Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application.

(Government of India, R. and A. Department No. 1590-22, dated 11th August 1900; communicated with Government of India, Finance Department, No. 40-P-4227, dated 22nd August 1901.)

7. All non-gazetted Government servants as to whose fitness for further service there may be doubt, should unless they happen to be absent in other districts, on long leave, be sent for examination before the District Medical Officer of the district in which they are serving. Where a Government servant's jurisdiction falls within more than one Revenue district, he may be required to appear before the District Medical Officer of such district as may be departmentally convenient. If, in special cases, this procedure has necessarily to be departed from,

the reasons therefor should be recorded in writing and communicated to the Commissioned Medical Officer who is asked to examine the applicant.

[G.O No 128, Pension, dated 28th February 1912]

8 Invaliding medical certificates under this article should be given by Medical Officers registered under Medical Registration Act, 1914, and if any doubt arises in a particular case, it should be referred to the Director of Medical Services for decision or countersignature.

9 If an officer dies after retirement before being invalided by a Medical Board, it is within the power of the State Government to sanction the payment of a gratuity to the heirs of the deceased under Government of India, Finance Department. Resolution No. 5102-E-X., dated 25th October 1895.

(Government of India, Finance Department, No. 4362-P., dated 22nd October 1899.)

10. The Medical Superintendent, Union Mission Tuberculosis Sanatorium, Madanapalle, is deemed to be a Civil Surgeon for granting invaliding certificates to Government servants under his treatment for tuberculosis provided that he is registered under the Madras Medical Registration Act, 1941 The invaliding certificates should be countersigned by the Director of Medical Services.

[G.O. No. 94, Finance (Pension), dated 15th February 1934; A.G.'s Case Pen. Mis. No. 3-28 of 1933-34.]

11. It has been decided by the Government that, pending the revision of the pension rules and in accordance with the practice hitherto followed, Fundamental Rule 56 (a) should not be applied to Government servants whose service is treated as last grade for pension, though they are treated as superior under Fundamental Rules. They will be eligible for retention in service as long as they are physically fit

[G.O. Ms. No. 162, Finance (Pension), dated 13th March 1934; A.G.'s Case Pen. Mis. No. 3-30 of 1933-34.]

12. The disease from which an applicant is suffering is curable by an operation, but this he refuses to undergo and is therefore invalided. In these circumstances no pension or gratuity is admissible. The Government consider that each case of invalidation on account of a curable disease should be decided on its merits. The Accountant-General is requested to forward such cases for the orders of Government.

[G.O. No. 668, Finance (Pension), dated 4th November 1932; A.G.'sP. V. Case No. 84 of 1932-33 and No. C-8 of 1934-35.]

443. (*a*) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(*b*) If the Examining Medical Officer, although unable to discover any specific disease in the officer, considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and, if possible, a second medical opinion should always in such a case be obtained,

(*c*) In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer.

444. A simple certificate that inefficiency, is due to old age or natural decay from advancing years, is not sufficient in the case of an officer whose recorded age is less than fifty-five years, but a Medical Officer is at liberty, when certifying that the officer is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

FORM OF MEDICAL CERTIFICATE IN ENGLAND

445. The form of the medical certificate given by the Medical Board attached to the India Office, respecting an officer applying for pension in England is as follows:—

"We have carefully examined Mr.

Taking into account all the facts of the case as well as his present condition, we consider that he is incapable of discharging the duties of his situation, and that such incapability is likely to be permanent. We therefore recommend that he be permitted to retire from the service of Government on the pension or gratuity for which he may be eligible."

446. If any doubt arises regarding the validity of a certificate by the Medical Board attached to the India Office, the Audit Officer must not of his own motion reject the certificate as invalid, but must submit the matter for the decision of the local Government.

NOTE.—(The local Government may delegate its power under this article to Heads of Departments.)

Ruling.

In the case of officers of the All-India and Central Services whose invaliding is recommended by the Medical Board of the office of the High Commisioner for India, the question of invaliding will be dealt with by the office of the High Commissioner for India.

(Letter from the Chief Accounting Officer to the High Commisioner for India, to the Secretary to the Government of India, No. A.R. 328/96, dated 25th November 1926, forwarded under Government of India, Finance Department, No. F. 427-C.S.R./26, dated 18th January 1927.).

FORM OF MEDICAL CERTIFICATE IN INDIA

447. (*a*) The form of the certificate to be given respecting an officer applying for pension in India is as follows:–

Certified that I (We) have carefully examined *A B*, son of *C D*, a...................... in the...................... His age is by his own statement.........years, and by appearance about............years. I (We) consider *A B* to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of (*here state disease or cause*). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.

NOTE —[If the incapacity is obviously the result of intemperance, *substitute* for the last sentence; " In my (our) opinion, his incapacity is the result of irregular or intemperate habits "]

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made :) I am (we are) of opinion that *A B* is fit for further service of a less laborious character than that which he has been doing (or may, after resting for . . . months, be fit for further service of a less laborious character than that which he has been doing).

(*b*) The object of the alternative certificate of partial incapacity) is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension ; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule.

448. *Omitted.*

SPECIAL PRECAUTIONS IN THE POLICE.

449. District Superintendents of Police should be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer.

450. Medical Officers should confine themselves recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

451. Medical Officers should be specially searching in their examination of the physical unfitness of every applicant

for pension, and, whenever the number of applicants for pensions is large, the examination should, if possible, be conducted by two Medical Officers.

RESTRICTIONS.

452. An officer discharged on other grounds has no claim under Article 441, even although he can produce medical evidence of incapacity for service.

453. *Cancelled.*

454. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority by which the pension is grantable to decide what reduction should be made on this account.

Rulings.

1. The mere fact that an officer has suffered from syphilis is not sufficient to bring him under the operation of this article, provided there is nothing against his character in other respects. In the event of his retirement being necessitated by such cause, the record of his service should be examined. The presumption may be against the officer, but it should not be accepted as other than a presumption and should be viewed as capable of being completely rebutted by the general evidence as to character and conduct.

(Government of India, No. 4421, Finance Department, dated 8th November 1884, to the Government of Punjab, G.O. No. 730, Pension, dated 6th November 1900.)

2. It is for the authority, which is empowered to sanction his pension or gratuity, to decide whether the incapacity is the result of irregular or intemperate habits. The Audit Officer should certify the applicant's title to pension or gratuity with some such proviso as the following:—

"Provided that the sanctioning authority is of opinion, on consideration of the medical certificate and other evidence as to habits and character, that the incapacity has not been proved to be caused by irregular or intemperate habits.".

(Government of India, Finance Department, No. 5031-P., dated 31st August 1908.)

3. (*a*) A Government servant reported to be suffering from leprosy or syphilis should not at once be invalided but should be granted such leave as may be necessary, but not exceeding the amount to his credit to enable him to undergo proper treatment and he should be invalided from service in the former case only if after undergoing the treatment for the full period of the leave to his credit he is still certified to be infected with the disease, and in the latter case only if he refused to undergo the treatment prescribed by competent medical authority or if such authority considers the treatment has failed.

(*b*) The following instructions have also been issued by Government for the guidance of medical officers in cases of syphilis and leprosy:—

(i) Syphilis and leprosy are amenable to treatment.

(ii) A Government servant reported to be suffering from the diseases need not necessarily be invalided from service.

(iii) He may be granted such leave as is necessary but not exceeding the amount which he has to his credit in order to enable him to undergo proper treatment.

(iv) A Government servant who is suffering from these diseases and who refuses to undergo the treatment prescribed by competent medical authority or where such authority considers that the treatment has failed, is liable to be invalided from service.

(v) The question of the grant of an invalid pension will be decided on the merits of the case.

(vi) A Government servant who has been granted leave to undergo treatment for syphilis should be allowed to return to duty only on the production of a certificate from the Director of the King Institute, Guindy, or other recognized laboratory, that his Wasserman reaction has been negative for two consecutive examinations made at an interval of three months or, if the head of office is satisfied that adequate facilities for continued treatment exist at the station to which the individual is posted. In the case of Government servants under the treatment of a Government Medical Officer, the Wasserman test will be conducted free of charge at a Government laboratory.

(*c*) If, however, he actually undergoes the treatment prescribed while under regular leave due, there is no objection to the grant of leave not due in continuation thereof.

(G.O. No. 188-P., II, L.S.G., dated 26th January 1926; G.O. 876, Public, dated 16th September 1927; G.O. No. 111, Public, dated 30th January 1929; A.G.'s Case Pen. Mis. No. 3-30 of 1927-28 and Pen. Mis. No. 3-24 of 1928-29.)

APPLICANT TO BE DISCHARGED.

455. An officer who has submitted under Article 442 a medical certificate of incapacity for further service, must not (except for special reasons to be reported to the State Government) be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence.

Without the special orders of the authority which has power to sanction the pension, service after the date of such medical certificate does not count for pension.

Rulings.

1. A special report should be made to Government in all cases whether the service after the date of the medical certificate is allowed to count for pension or not.

[G.O. Mis. No. 1010, Finance (Pension), dated 14th November 1936; A.G.'s Case P.V. No. 6-30 of 1936-37.]

2. In the case of an officer who is invalided from service, the retirement should take effect from the date of the medical report, except in cases covered by the Note to Article 912 (iv) where the retirement may take effect from a date earlier than the date of the medical certificate.

[Government of India, Finance Department, letter No. F. 6 (70)-R. II/37, dated 24th July 1937; G.O. P. No. 768, Finance (Pension), dated 27th September 1937; A.G.'s Case P V. No. 6-15 of 1937-38 and G O. Ms. No. 961, Finance, dated 4th August 1952.]

3. In cases where the concessions permissible under this article and Article 827-A are granted, the Union Government have decided that the combined effect should be that not more than six months' service from the date of the medical invaliding certificate is reckoned for pension.

[Government of India, Finance Department, letter No. F. 6 (70)-R. II/37, dated 1st December 1937, and Crown Finance Officer's letter No. F. 33 (4)-E. 37, dated 30th December 1937; A.G.'s Case P V. No. 6-15 of 1937-38.]

4 The retirement of an officer on privilege leave or L.A.P. up to four months, invalided from service, should take effect from the date of expiry of such leave and not from the date of report of the Medical Board.

[Government of India, Finance Department, U.O. No. 1474-R. II-39, dated 4th August 1939.]

456. The object of Article 455 is to discourage tentative applications; but a last grade servant (including in that term a Police officer whose pay does not exceed Rs. 20) who, in the opinion of the head of his office, is fit for light work may be retained in employment till his pension is sanctioned, provided that his place is not filled up till he retires, and that his service counts only to the date of his medical certificate.

457. Article 455 refers only to the retention in active service of an officer who has furnished a medical certificate in support of an application for invalid pension or gratuity while in India. The retirement of an officer who is absent on leave other than privilege leave, when such certificate is submitted, may have effect from the termination of his leave, and the officer may continue to draw leave allowance to the end of his leave.

Ruling.

In the case of an officer invalided while absent on leave the period intervening between the date of the medical certificate and the actual date of retirement (which must not go beyond the end of his leave), should count as leave.

(Government of India, Finance Department, No. 1827-F., dated 27th March 1906.)

Section IV—Superannuation Pension.

458. A superannuation pension is granted to an officer in superior service entitled or compelled, by rule, to retire at a particular age.

459. (*a*) Ministerial officers who have attained the age of 55 may be required to retire, but should ordinarily be retained in service so long as they remain efficient until they come under the provisions of clause (*e*).

(*b*) Officers, other than ministerial, who have attained the age of 55, should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist which must be recorded in writing, and there is no doubt as to the physical fitness of the officer.

(*c*) Each officer's case should be taken up when he is approaching the age of 55 and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time.

(*d*) The powers given by the preceding clauses may be exercised by the authority competent to fill the appointment (if vacant) of the officer who is required to retire or retained in service.

(*e*) An officer who has attained the age of 60 cannot be retained in the service of Government save in very exceptional circumstances, and with the sanction of the State Government.

(*f*) No claim to compensation from an officer who is required to retire under the provisions of this article will be entertained :

Provided that a Government servant under suspension, on a charge of misconduct, shall not be required or permitted to retire but shall be retained in service until the enquiry into the charge is concluded and a final order is passed by a competent authority.

NOTE.—(The provisions of this article do not apply to officers referred to in the Note under Article 550.)

Rulings.

1. An officer in superior service who retires after the age of 55 years may be granted a retiring pension, if he has fulfilled the conditions necessary to render him eligible for such a pension.

(Government of India, Finance Department, No. 3466-P., dated 12th August 1896.)

2. The provisions of Article 459, are applicable to officers in the late Public Works Accounts Branch who have been transferred to the Indian Finance Department as a result of amalgamation. All officers in the amalgamated department, both present incumbents and future entrants are thus brought under the operation of this article.

(Secretary of State's Despatch No. 19, Financial, dated 24th February 1911, communicated with Government of India, No. 1763 F E., Finance Department, dated 21st March 1911.)

3. The provisions of Article 459 are applicable to Assistant Secretaries in the Public Works Secretariats of State Governments who are ordinarily selected from a ministerial establishment and are not members of a graded service.

(Secretary of State's Despatch No. 32, dated 21st June 1912, communicated with G.O. No. 1056-W., dated 2nd August 1912.)

460. An officer, who is compelled to retire under the preceding article, or who retires voluntarily under Article 464, and part of whose service has been last grade is entitled to pension on the same conditions as if he had been invalided under Article 481, and to the option allowed by Article 398.

461, 462 and 463 *Cancelled.*

OPTIONAL RETIREMENT AT FIFTY-FIVE.

464. An officer in superior service who has attained the age of 55 years may, at his option, retire on superannuation pension.

Section V—Retiring Pension.

465. (1) *A retiring pension is granted to an officer who is permitted to retire after completing qualifying superior service for thirty years or such less time as may for any special class of officers be prescribed.*

(2) *A retiring pension is also granted to a member of a State Service not included in Article 349-A, and a member of a Subordinate Service who is required to retire on the ground of inefficiency after completing qualifying superior service for 25 years or more.*

The power to retire a member of a State or ~~Subordinate~~ Service under this clause is exercisable by the authority competent to fill the appointment held by the officer. The procedure including the framing of clear and specific charges prescribed in rule 15 (b) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules shall be followed before an order of compulsory retirement is passed and the officer concerned shall be allowed a right of appeal against such an order. The appellate authority

shall be the authority competent to entertain appeals against removal from service.

NOTE.—In cases where Government servants are discharged on pension for inefficiency, the preparation of the pension applications should be proceeded with without waiting for the expiry of the appeal time But in cases where an appeal has actually been filed, the preparation of the pension application may be postponed until the appeal has been disposed of.

Rulings.

1. An officer whose services have been lent to the State of Jammu and Kashmir and who is contributing to Government on account of his pension is not entitled on the ground that he has put in more than 30 years' pensionable service to retire on a pension without prejudice to his continuation in the employment of the State, and until he actually retires from service within the meaning of Article 465, the question of granting him a retiring pension does not arise.

(Government of India, No 750-G., Foreign, dated 29th April 1895, in G.O. No. 319, Political, dated 15th May 1895.)

2. An officer who has reached the age of superannuation can exercise the right to retire at his option; but an officer who has not reached the prescribed age, although he has qualified for pension under Article 465 is on a different footing. Unless the contrary is definitely laid down in an agreement made with the officer or in standing orders relating to his particular service, the latter is bound to obey the orders of Government, if in the interests of the public service, they require him to serve for a longer period than that qualifying for pension, and if he disobeys such orders he is subject to such penalties as the Government may choose to impose.

(Government of India, No. 94-C.S.R., dated 30th January 1917; A.G.'s Pen. Mis. No 3-21 of 1916-17.)

465-A For officers mentioned in Article 349-A the rule for the grant of retiring pension is as follows:—

(1) An officer is entitled, on his resignation being accepted, to a retiring pension after completing qualifying service of not less than 25 years or in the case of officers of Central Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered the service before the 6th day of December 1932, not less than twenty years.

(2) A retiring pension is also granted to an officer who is required by Government to retire after completing twenty-five years' qualifying service or more.

NOTE 1.—Government retains an absolute right to retire any officer after he has completed twenty-five years' qualifying service without giving any reasons, and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further services of an officer.

NOTE 2.—In the case of an officer who was in the srvice on or before the 15th November 1919 and who fulfils the conditions of clause (1) of this article acceptance of his resignation will in no circumstances be deferred beyond a period of six months from the date on which his application to resign was submitted.

Rulings.

1. The right conferred by Note 1 to Article 465-A is intended to be exercised only against an officer whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency, or who has ceased to be fully efficient but not to such degree as to warrant his retirement on compassionate allowances. It is not the intention to use the provision of the Note as a financial weapon, that is to say, the provision should be used only in the case of officers who are considered unfit for retention on personal as opposed to financial grounds.

2. The word "Government" in Note 1 should be interpreted to mean "the authority which has the power of removing the officer concerned from service under the Civil Services (Classification, etc.) Rules".

3. The Note only applies to officers mentioned in Article 349-A.

[Government of India, Finance Department, No. E-6/L XXXV. R/33, dated 1st November 1933 and G.O. No. 826, Finance (Pension), dated 5th December 1933; A.G.'s Case Pen. Mis. 3-43 of 1919-33]

4. It has been held by the Government of India that compulsory retirement effected in pursuance of Note 1 to this article does not amount to "dismissal" or "removal" within the meaning of Article 311 (2) of the Constitution and that no question of the officer being given an opportunity to show cause against the proposed action can arise.

(Finance Memorandum No. 18239/Pen.-1, dated 9th March 1953.)

465-B. (1) *A member of a State or Subordinate Service who, as a measure of punishment, is compulsorily retired from service before completing qualifying superior service of 25 years may be granted a retiring pension not exceeding the amount which would have been admissible to him if he had retired on medical certificate:*

Provided that the authority competent to impose the penalty may grant, if the circumstances justify it, a pension lower than that which would have been admissible if the member concerned had retired on medical certificate.

(2) *A member of a State or Subordinate Service who as a measure of punishment, is compulsorily retired from service after completing qualifying superior service of 25 years, may be granted a retiring pension not exceeding the amount which would have been admissible to him if he had been retired compulsorily for inefficiency, after 25 years of qualifying service, that is, on the scale laid down in Article 474-A (ii) (a).*"

466. *Cancelled.*

COMBINED APPOINTMENTS.

467. An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the Finance Department, or if pensions

are a State charge, of the State Government, resign one or more of such appointments on a pension, without retiring from the public service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service altogether; but in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

NOTE.—(The Government of India may delegate its power under this article to minor Local Governments and Heads of Departments A State Government also may delegate its power to Heads of Departments)

Ruling.

The rule that an officer holding two appointments may not retire on pension from one only is based upon the principle that superannuation pensions should not be given to officers who are sufficiently efficient for the discharge of their duties, and that any arrangements which encourage officers to seek superannuation while they are or can make themselves efficient causes unnecessary expense to Government.

(Government of India, No. 2470-P Finance, dated 24th May 1895.)

Chapter XIX—Amount of Pensions.

Section I—General Rules

468. The amount of pension that may be granted is determined by length of service as set forth in Articles 474 to 485. Fractions of a year are not taken into account in the calculation of any pension admissible to an officer under this part of these Regulations.

Ruling.

In calculating the length of service and adding together broken periods of a month, a month should always be taken to consist of 30 days only irrespective of the actual number of days contained in each month.

(G.O. No. 863, Pension, dated 8th July 1887.)

468-A Pensions fixed in rupees should be calculated to the nearest multiple of five naye paise. (Fractions which are equal to 2.5 n.p. or less will be rounded off to the lower multiple of 5 naye paise.)

NOTE.—(This rule applies to all pensions granted under these regulations.)

(G.O. Ms. No. 802, Finance, dated 6th September, 1957, and Memo. No. 87837/Pension 1/58, dated 26th December 1958.)

Rulings.

1. The rule regarding the rounding off of pensions to the nearest multiple of five naye paise is applicable to pensions debitable to a foreign employer under Article 389 (*a*) or any other rule of the Civil Service Regulations.

[Government of India, No. 521-C.S R , dated 8th June 1917, recorded in G O. No. 175, Finance (Pension), dated 30th June 1917; A G.'s Pen. Mis. No. 3-12 of 1917-18 and G O. Ms. No 802 Finance dated 6th September 1957.]

2. Rule regarding the calculation of pensions to the nearest multiple of five naye paise is of general application.

Maximum pension of Rs 416–2/3 per mensem is payable at Rs. 416.65 N.P per mensem.

(Comptroller and Auditor-General's letter Nos. 549-A & A 267-15, dated 1st June 1915 and G.O. Ms. No. 802 Finance, dated 6th September 1957.)

CURRENCY.

469. A pension is fixed in rupees, and not in sterling money, even though it is to be paid in England.

AWARD OF FULL PENSION.

470. (*a*) The full pension admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved.

(*b*) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper.

Rulings.

1. The power to reduce pension has not been delegated by Government to subordinate authorities.

[G.O. No. 133, Finance (Pension), dated 16th March 1920, in A G 's Case Pen. No. S. 127 of 1919-20.]

2. With reference to Article 470 (*b*), if the authority or officer empowered in paragraph 1 *supra* considers that it is open to question whether the full pension admissible under Regulations should be granted to an officer owing to his unsatisfactory character and conduct, the pension application shall be submitted to the Government for orders with a concise statement of the unfavourable circumstances appearing against that officer, and a sufficient explanation thereof to enable the Government to form an opinion as to the propriety of reducing the pension.

[G.O. No. 526 (Pension), dated 16th July 1914, and No. 746 (Pension), dated 14th November 1914, A.G.'s Pen. Mis. No. 1-1 of 1908-15.]

3. For instructions regarding the grant of full pension in case where losses are caused to Government as a result of negligence or fraud on the part of the person concerned while in service, etc., attention is invited to G.O. No. 845, Finance (Pension), dated 29th October 1935; A.G.'s Case P.V. 6–5 of 1935—36.

4. In the case of an officer appointed by the President of the Republic of India retiring after 1st April 1937, the award of a pension less than the maximum pension allowable under the rules cannot under Article 314 of the Constitution of India be made without the consent of the President. The term "maximum pension allowable under rules" within the meaning of this section must be taken to mean the maximum which can be allowed, if any discretion left to the State Government is exercised in favour of the officer, and not any reduced amount which the State Government can allow in any particular case by exercising the discretion against the Officer, e.g., the discretion to decide whether the Officer has rendered approved or satisfactory service for the purposes of Articles 470 (b) and 643. This ruling does not however, apply to decisions involving acts of grace (e.g., the condoning of a deficiency in service) or doubtful points concerning the nature of a Government servant's service (e.g., whether a particular period of temporary or officiating service does or does not count for pension). These and other corresponding questions may be decided by the competent authorities under the rules as they stand.

(Comptroller and Auditor-General's U.O.I. No 152-A/223-37, dated the 10th March 1938; A.G.'s P.V. Case 6-28 of 1937-8 and 1939-40.)

5. Please see ruling 2 under Article 441.

6. Under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, reduction of pension is not a statutory penalty and it is not obligatory on the part of the authority concerned to give the officer concerned an opportunity to show cause why his pension should not be reduced. It has been suggested that the officer should know the reason for the proposed reduction in pension and that he should also be given an opportunity to explain his conduct, etc. The Government have considered the suggestion and have decided that it is only fair and just that the officer concerned should be given an opportunity to explain and to vindicate himself if possible in cases where a reduction in pension is contemplated on the basis of fresh allegations which come to notice after his retirement and of which the Officer has had no previous opportunity to give his explanation. In such cases, the procedure prescribed in rule 15 (*a*) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules shall be followed. If, however, the proposed reduction is based on past record of service including previous punishments or censures, it is not necessary to follow the procedure referred to above.

[G.O. No. 679, Finance (Pension), dated 12th July 1948, filed in A.G.'s Case P.V. 3-8 of 1948-49.]

LIMITATIONS.

471. An officer entitled to pension may not take a gratuity instead of pension.

Note.—(*See* Note 2 under Article 807.)

Ruling.

Article 471 applies to cases coming under Article 398, even to the extent of cancelling the choice conferred by that article. For instance, if by his last grade service an officer has earned a pension on the last grade scale, he cannot, instead of it take a gratuity on the superior scale for the superior service, but his case must be dealt with under Article 398 (*a*). Again if the superior service entitles an officer to a pension on the superior scale, he cannot elect to count the whole service (superior and last grade) as last grade towards a gratuity on the last grade scale.

(Government of India, Finance Department, No. 2994-P., dated 29th June 1895.)

472. In the case of an officer who has any service under the Imperial (British) Government, pension from Indian Revenues should not be fixed until it has been ascertained whether any pension is payable from Imperial funds in respect of the service under the British Government.

473. An officer, not being a Military officer or a member of the Indian Civil Service, transferred to service under the Government of a Dominion Crown Colony, Protectorate or a Territory mandated to the British Government, on final retirement from such service on pension or compensation allowance, may be granted from Indian revenues a pension equal to the pension which would have been admissible, if he had been invalidated from the service at the date of his transfer, or if no such pension would have been admissible a pension of one-sixtieth of his average emoluments for each completed year of qualifying service, such average emoluments to be calculated for the last three years or, if the whole service in India is less than three years for the whole period of service.

NOTE.—The sanction of the Government of India is required to the transfer of an officer to any service of the description mentioned in this article.

473-A. (1) If a civil servant, as defined by section 12 of the Superannuation Act, 1887, is appointed by the Governor-General in Council to any office under the Crown in India, the Governor-General in Council may direct that his service in that office shall qualify for the grant of a pension or gratuity as if it were service rendered in the office held by him as a civil servant immediately before his appointment to service in India, and there shall be paid to or in respect of him, out of the revenues of the Governor-General in Council in respect of the whole period of his absence from the United Kingdom in connection with his appointment to service in India a pension or gratuity

calculated in accordance with the Superannuation Acts, 1834 to 1935, and the orders, rules the regulations made thereunder, but on the basis of the salary of the office last held by him as a civil servant before his appointment to service in India.

(2) No such direction as aforesaid shall be given in relation to service in any office if the service of the person in question in that office would qualify for the grant of a pension without any such direction.

(3) Any grant made under these rules is subject to reduction or suspension or withdrawal in the same way as pension or gratuity under the Superannuation Acts; any reduction of a total award of which a grant under these rules forms part being applied proportionately.

Section II—Amount of Superior Pension.

NOTE.—[The rules in this section are to be read as superseded by rules 13 and 14 of the " Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924 " to the extent indicated in these rules.]

474. The amount of a pension is regulated as follows:—

(*a*) After a service of less than ten years, a gratuity not exceeding (except in special cases, and under the orders of the Government of India, up to a maximum of 12 months' emoluments) one month's emoluments for each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments.

(*b*) After a service of not less than ten years a pension not exceeding the following amounts :

* Provided that a member of a provincial service not included in Article 349-A and a member of a subordinate service who is required to retire on the ground of inefficiency after completing qualifying superior service for 25 years or more shall be eligible for a pension not exceeding the scale prescribed in Article 474-A (ii) (*a*).

* The amendment will also apply to members of subordinate service under the rule-making control of the Andhra Pradesh Government with effect from 27th March 1942.

Years of completed service.	Scale of pension.		Maximum limit of pension.		
		Rs.		Rs.	
10	10 sixtieths of average emoluments	2,000	a year or	166-2/3	a month
11	11 ,,	2,200	,,	183-1/3	,,
12	12 ,,	2,400	,,	200	,,
13	13 ,,	2,600	,,	216-2/3	,,
14	14 ,,	2,800	,,	233-1/3	,,
15	15 ,,	3,000	,,	250	,,
16	16 ,,	3,200	,,	266-2/3	,,
17	17 ,,	3,400	,,	283-1/3	,,
18	18 ,,	3,600	,,	300	,,
19	19 ,,	3,800	,,	316-2/3	,,
20	20 ,,	4,000	,,	333-1/3	,,
21	21 ,,	4,200	,,	350	,,
22	22 ,,	4,400	,,	366-2/3	,,
23	23 ,,	4,600	,,	383-1/3	,,
24	24 ,,	4,800	,,	400	,,
25 and above 30	,,	5,000	,,	416-2/3	,,

NOTE.—For the precise meaning of average emoluments, see Articles 486 and 487.

Rulings.

1. Rules 13 and 14 of the Superior Civil Services Rules reproduced below apply to all members of the services and substantive holders of appointment specified in *Schedule V appended to those Rules whether they have or have not elected the pension rules of 1919:—

[Comptroller and Auditor-General's No. T.85/80-A-25, dated 27th April 1925; Manual of Audit instructions.]

" 13. (a) In the case of members of the services and holders of the posts specified in *Schedule V whose pensions are regulated under the Civil Rules and who retire on or after the 1st April 1924, the maximum limits for retiring and superannuation pensions, excluding amounts earned for special additional pensions shall be as follows:—

			Rs.
After 25 years' qualifying service	..	..	6,000
After 26 years' qualifying service	..	..	6,200
After 27 years' qualifying service	..	..	6,400
After 28 years' qualifying service	..	..	6,600
After 29 years' qualifying service	..	..	6,800
After 30 years' qualifying service	..	..	7,000

NOTE.—The provisions of this rule do not apply to officers referred to in Article 349-AA.

*Not printed

(*b*) For members of the Indian Educational Service (Women's Branch) who retire on 1st April 1924, the maximum limits for retiring and superannuation pensions shall be as follows:—

			Rs.
After 20 years' qualifying service	..	..	4,750
After 21 years' qualifying service	..	..	4,950
After 22 years' qualifying service	..	..	5,150
After 23 years' qualifying service	..	..	5,350
After 24 years' qualifying service	.	..	5,550
After 25 years' qualifying service	..	..	5,750

14. The rates of compensation and invalid gratuity and of invalid or compensation pension admissible to officers to whom rule 13 applies shall be as follows:—

Completed years of qualifying service.	Rate of gratuity or pension	Subject to a maximum in respect of officers to whom 13 (*a*) refers of.	Subject to a maximum in respect of officers to whom 13 (*b*) refers of.
		Rs.	Rs.
1 to 6	Gratuity of 1 month's pay for each completed year of service.		
7	Pension of 7 sixtieth of average emoluments	2,000	1,750
8	,, 8 ,,	2,350	2,100
9	,, 9 ,,	2,700	2,450
10	,, 10 ,,	3,000	2,750
11	,, 11 ,,	3,200	2,950
12	,, 12 ,,	3,400	3,150
13	,, 13 ,,	3,600	3,350
14	,, 14 ,,	3,800	3,550
15	,, 15 ,,	4,000	3,750
16	,, 16 ,,	4,200	3,950
17	,, 17 ,,	4,400	4,150
18	,, 18 ,,	4,600	4,350
19	,, 19 ,,	4,800	4,550
20	,, 20 ,,	5,000	4,750
21	,, 21 ,,	5,200	4,950
22	,, 22 ,,	5,400	5,150
23	,, 23 ,,	5,600	5,350
24	,, 24 ,,	5,800	5,550
25	,, 30 ,,	6,000	5,750
26		6,200	
27		6,400	
28		6,600	
29		6,800	
30 and over.		7,000	

NOTE.—The provisions of this rule do not apply to officers referred to in Article 349-AA

2. A soldier re-engaged to complete 21 years, or re-enlisted to complete a term of service which with former colour service makes a total of at least 21 years, if he is allowed to take his discharge permanently after 14 years at his own request, may be granted a pension if eligible, assessed as above but with a reduction of 10 per cent.

3. If discharged for inefficiency after 14 years and less than 21 years, he may be granted a pension at such rates not exceeding 90 per cent of the rate as assessed above, as the Military Secretary may aprove according to the merits of each case,

4. In the case of re-listed soldiers, past service will not count if there has been an interval of more than five years

NOTE.—(1) The non-commissioned officers and men are brought under the Civil Service Regulations only for the purpose of pension, but for leave and disciplinary purposes they remain military, and the existing system of preparing pay bills, maintenance of conduct sheets, etc., will continue.

(G.O. No. 206, Political, dated 5th December 1924—A.G.'s Case Pension Mis. No 3-12 of 1924-25.)

NOTE.—(2) The above scale of pension will have effect from 29th August 1924.

(Memorandum No. 2375-2, Political dated 10th January 1925—A.G.'s Case Pension Mis 3-12 of 1924-25.)

5. The maximum limit of retiring and superannuation pensions and the rates of invalid gratuity and pension admissible to a member of the Madras Port Service who was in service prior to the 1st April 1942 shall be regulated in accordance with the rules 13 (*a*) and 14 of the Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924.

[G.O Ms No. 496, Finance, dated 20th April 1952.]

474-A. For officers mentioned in Article 349-A, the amount of pension is regulated as follows:—

(i) Officers of the Imperial Services of the Forests, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered service before 6th day of December 1932.

(*a*) * For invalid (superannuation and compensation pensions—Up to 24 years of completed service—As in Article 474; thereafter—

Years of completed service.	Scale of pension.	Maximum limit of pension.		
		Rs.	Rs.	
25	30 sixtieths of average emoluments.	5,000 a year or	416⅔	a month.
26	,,	5,200 ,,	433⅓	,,
27	,,	5,400 ,,	450	,,
28	,,	5,600 ,,	466⅔	,,
29	,,	5,800 ,,	483⅓	,,
30 and above.	,,	6,000 ,,	500	,,

* The words within brackets in sub-clause (*a*) under clause (i) of Article 474-A were inserted with effect from 22nd April 1939.

(*b*) * For (retiring) pensions—Up to 19 years of completed service—As in Article 474; thereafter—

Years of completed service.	Scale of pension	Maximum limit of pension.			
		Rs.		Rs.	
20—24	30 sixtieths of average emoluments.	4,000	a year or	333$\frac{1}{3}$	a month.
25	,, ,,	5,000	,,	416$\frac{2}{3}$	,,
26	,, ,,	5,200	,,	433$\frac{1}{3}$	,,
27	,, ,,	5,400	,,	450	,,
28	,, ,,	5,600	,,	466$\frac{2}{3}$	,,
29	,, ,,	5,800	,,	483$\frac{1}{3}$	,,
30 and above.	,, ,,	6,000	,,	500	,,

† NOTE.—[In the case of an officer with 20-24 years of completed service who enters service before the 22nd April 1939, the amount of superannuation or compensation pension will be 30/60ths of average emoluments, subject to a maximum limit of Rs. 4,000 a year if this rate is more advantageous than that admissible under sub-clause (*a*).]

(ii) Other officers—(*a*) For retiring pensions—Up to 24 years of completed service—As in Article 474; thereafter—

Years of completed service.	Scale of pension	Maximum limit of pension.			
		Rs.		Rs.	
25	25 sixtieths of average emoluments.	5,000	a year or	416$\frac{2}{3}$	a month.
26	26 ,,	5,200	,,	433$\frac{1}{3}$	,,
27	27 ,,	5,400	,,	450	,,
28	28 ,,	5,600	,,	466$\frac{2}{3}$	,,
29	29 ,,	5,800	,,	483$\frac{1}{3}$	,,
30 and above	30 ,,	6,000	,,	500	,,

(*b*) For other pensions—Up to 25 years of completed service—As in Article 474; thereafter—

Years of completed service.	Scale of Pension.	Maximum limit of pension.			
		Rs.		Rs.	
26	30 sixtieths of average emoluments.	5,200	a year or	433$\frac{1}{3}$	a month.
27	,, ,,	5,400	,,	450	,,
28	,, ,,	5,600	,,	466$\frac{2}{3}$	,,
29	,, ,,	5,800	,,	483$\frac{1}{3}$	,,
30 and above.	,, ,,	6,000	,,	500	,,

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* The word within brackets in sub-clause (*b*) under clause (i) of Article 474-A was substituted for the word "Other" with effect from 22nd April 1939.

† The note under sub-clause (*b*) of clause (i) of Article 474-A takes effect from 22nd April 1939.

475. Officers holding any of the appointments enumerated below and belonging to what was formerly termed the Uncovenanted Service, may be allowed by the State Government an additional pension of Rs. 1,000 a year, provided that they have rendered not less than three years of effective service (that is, service of the same nature as that which, under the provisions of Article 644, counts for the special pensions admissible under Article 642) in such appointment and provided also that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of officers entering Government service after the 31st December 1909, the grant of the additional pension is subject to the further condition that they must, in the event of voluntary retirement, have completed twenty-eight years of qualifying service. The same rule applies to officers of the Forest Department who entered Government service on or before the 31st December 1909 (including those who were appointed on probation on or before that date), with the exception of those who have, at the time of their retirement, rendered three years' active service on not less than the maximum pay of a Conservator. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 465.

Registration Department—Inspectors-General under State Governments but not under Chief Commissionerships.

Police Department—Inspectors-General and Deputy Inspectors-Genreal under Local Governments and Administrations, and the Commissioners of Police, Calcutta, Madras, Rangoon and Bombay.

Jail Department—Inspectors-General under Local Governments, but not under Chief Commissionerships.

Education Department—Directors of Public Instruction under Local Governments and Administrations.

Accounts Department (Civil)—

(*a*) Auditor-General and Accountants-General.

(*b*) (i) In the case of officers of the late enrolled list now employed in the Indian Finance Department who have not elected the scale of pay sanctioned in the Secretary of State's Despatch No. 51, Financial, dated the

11th May 1906—Deputy Comptroller-General; Deputy Auditors-General; * Comptroller, India Treasuries and ‡ Comptroller, Central Provinces.

(ii) In the case of other officers of the Indian Finance Department—Appointments in class I of the Department (including those in class I of the late enrolled list and in class I of the late Superior Accounts Branch of the Public Works Department)¶.

Accounts Department (Military)—Military Accountant-General and Controllers of Military Accounts.

|| Indian Posts and Telegraphs Department—Posts included in the Schedule of appointments carrying additional pensions below Article 475-A.

Agricultural Department—Agricultural Advisor to the Government of India.

Forest Department—Inspector-General of Forests, and Conservators.

Archaeological Department—Director-General.

Geological Survey Department.—Director.

Survey Department—Surveyor-General and Superintendents of Circles.

Meteorological Department—Director-General of Observatories.

Political Department—Officers of the rank of Resident in the graded list of the Political Department.

General Administration—Commissioners of Divisions.

Judicial Department—Divisional Judges of the first grade in Burma.

Criminal Intelligence Department—Deputy Director of Criminal Intelligence.

Land Revenue Department—Settlement Commissioner and Director of Land Records in Burma.

Indian Customs Department—Collectors.

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* Now styled Accountant-General, Central Revenues.

‡ Now styled Accountant-General, Central Provinces.

¶ Mr. T. Rayan is subject to the special rule in Article 642 of these regulations,

|| This revised entry has effect from the 11th March 1931.

Printing, Stationery and Stamps Department— Controller. *

NOTE 1.—[*See* special addition to the form of certificate in Form No. 26 (Pension).]

‡ NOTE 2.—(The provisions of this Article apply to Telegraph officers appointed on or after 1st April 1914).

475-A. The grant of special additional pensions to officers specified in Article 349-A is regulated as follows:—

(1) The special additional pension admissible under this Article is not to be given as a matter of course but only where the service rendered is approved as satisfying the standard of work and conduct required in the special conditions of the post or duty hereinafter mentioned.

(2) Officers who have held posts listed in the Schedule to this Article may be granted an additional pension (*a*) at the rate of Rs. 300 for each completed year of effective service in any post included in the lower grade and (*b*) at the rate of Rs. 500 for each completed year of effective service in any post included in the upper grade, up to a maximum of Rs. 1,500 per annum for service in the lower grade appointments and Rs. 2,500 per annum for service in lower and upper grade appointments combined or in upper grade appointments alone : Provided that in the case of an officer who has earned an additional pension by service in appointments in both the upper and lower grades, service for any broken period of a year in the upper grade may count as service in the lower grade if his pension would be thereby increased.

(3) An officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities, and which carries the same rate of pay as a post listed in the schedule, may be granted an additional pension in respect of that post at the rate and subject to the conditions prescribed in clause (2) of this Article.

(4) For the purpose of clauses (2) and (3) of this Article 'effective service' includes, besides periods of duty in a post mentioned in the said clauses—

(i) duty performed—

* Now styled Controller, Printing and Stationery.

‡ The words "and . . Traffic" were deleted from this note with effect from the 11th March 1931.

(*a*) in a post of corresponding rank and responsibility in foreign service, or

(*b*) on deputation on special duty, or

(*c*) in a temporary post, or

(*d*) in a permanent post in an officiating capacity, to which an officer is transferred or appointed whilst holding the post mentioned in clause (2) or (3), if, in the case of an officer who held a post mentioned in clause (2) in an officiating capacity, or of an officer who held a post mentioned in clause (3), Government certifies that he would, if he had not been so transferred or appointed have continued to officiate in or hold the post concerned.

(ii) Privilege leave or leave under the Fundamental Rules corresponding to Privilege leave for the purpose of calculating service for pension taken by the officer during his service in a post mentioned in clauses (2) and (3) or during the period of duty covered by sub-clause (i) of this clause, if in the case of an officer who has held a post mentioned in clause (2) in an officiating capacity, or who has held a post mentioned in clause (3), Government certifies that he would, if he had not proceeded on leave, have continued to officiate in the post mentioned in clause (2), or have held a post mentioned in clause (3).

For the purpose of this sub-clause privilege leave or leave under the Fundamental Rules corresponding to privilege leave, taken by an officer immediately on vacating any of the posts mentioned in sub-rules (2) and (3) of Fundamental Rule 97 during which he is left without a lien on any permanent post, shall be regarded as leave taken during his service in such a post.

(5) An officer of pensionable status who has held a post in foreign service with a State-owned railway worked by a company, which is certified by Government to correspond in rank and responsibility with a State railway post listed in the schedule may be granted an additional pension in respect of that post at the rates and subject to the conditions prescribed in clause (2) of this Article, provided that, for the purposes of this clause 'effective service' means duty (including privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension) in foreign service post.

(6) An officer who has received under the second proviso to Fundamental Rule 30 (i) or under Fundamental Rule 113, officiating promotion to one of the posts listed in the schedule, or in whose case Government certifies that he would have received such promotion had he not been on special duty or held a temporary post, may be granted an additional pension at the rates and subject to the conditions prescribed in clause (2), as though he had held during the period for which he officiated or would have officiated, a post listed in the schedule.

For the purpose of this clause, the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken during the period, if Government certifies that, had the officer not been on leave, he would have continued in the same capacity.

(7) In the case of officers entering Government service after the 31st December 1909, other than officers of the Indian Forest Service who were appointed on probation on or before that date, the grant of the additional pension is subject to the condition that they must in the event of voluntary retirement have completed 28 years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Articles 464 and 465-A (1).

SCHEDULE OF APPOINTMENTS CARRYING ADDITIONAL PENSIONS.

A.—Upper Grade.

Director of Public Instruction.

Vice-Chancellors of Universities (if in pensionable service).

All officers (other than Military officers and members of the Indian Civil Service) holding Indian Civil Service posts of the rank of, or higher in rank than that of, a Commissioner of a division or a District and Sessions Judge in the selection grade.

Inspector-General of Police.

Inspector-General of Prisons.

Director of Agriculture, when the post is held by a member of the Indian Agricultural Service.

Chief Conservator of Forests.

Chief Engineers, Public Works Department.

High Court Judges who may take a pension under the rules in this part of the regulations.

Director of Medical Services.

B.—Lower Grade.

Officers of the Indian Educational Service holding appointments, the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay.

Officers of the Indian Agricultural Service and the Civil Veterinary Department holding appointments, the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay.

Deputy Inspectors-General of Police.

Commissioner of Police.

Superintendents of Police in the selection grade.

All officers (other than Military officers and members of the Indian Civil Service) holding superior Indian Civil Service posts lower in rank than that of a Commissioner of a division or a District and Sessions Judge in the selection grade.

Inspector-General of Registration.

Conservators of Forests.

Superintending Engineers, Public Works Department.

* Examiner of Local Fund Accounts (except when held by Class II—Officers of the Indian Audit and Accounts Service).

Secretary to Government, Legal Department and Remembrancer of Legal Affairs.

Any pensionable appointment in a department other than those to which the appointments included in this schedule appertain, the minimum pay of which, excluding overseas pay, is not less than Rs. 1,250 a month or, if no overseas pay is attached to it, Rs. 1,500 a month. An officer holding an appointment carrying overseas pay who is not himself entitled to overseas pay, is nevertheless, qualified under this entry.

NOTE 1.—(The Government of India may include in Schedule B any pensionable appointment which fulfils the conditions regarding minimum substantive pay contained in the last entry.)

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* This takes effect from the 12th December 1928.

NOTE 2.—The provisions of this Article do not apply to State Service Officers who may be appointed on or after 27th April 1938 to the posts mentioned below which are now included either in Schedule A or in Schedule B:—

(1) Director of Public Instruction.
(2) Chief Conservator of Forests.
(3) Chief Engineers (Public Works Department).
(4) Inspector-General of Registration.
(5) Conservators of Forests.
(6) Superintending Engineers (Public Works Department)
(7) Examiner of Local Fund Accounts.
(8) Secretary to Government, Legal Department and Remembrancer of Legal Affairs.

NOTE 3.—The provisions of this Article do not apply to State Service Officers who may be appointed on or after 7th January 1949 to the posts mentioned below which are now included either in Schedule A or in Schedule B:—

(1) Inspector-General of Prisons.
(2) Director of Survey in the Survey Department.

Rulings.

1. (*a*) Chief Secretaries to State Governments who do not belong to the Indian Civil Service are eligible for the upper grade of additional pension in Schedule A attached to Article 475-A.

(*b*) Other Secretaries will be eligible for the lower grade additional pension only.

(*c*) The Government of India are pleased to rule that the claims to higher grade pension should be protected in the case of officers who have served whether in an officiating or a substantive capacity, as Secretaries between 16th July 1921 and 23rd May 1930 or are so serving on the latter date in respect of all periods of such service after 16th July 1921, including periods subsequent to the date of these orders (i.e., they should be granted the upper grade additional pension). They see, however, no necessity to protect the pensionary claims of those already in service, who may serve as Secretaries in future.

[Government of India, Finance Department, No. 781-C.S.R., dated 16th July 1921; G.O. No. 170, Finance (Pension), dated 4th August 1921; Government of India, Finance Department, F. 292-C.S.R./27, dated 29th July 1927, recorded in G.O. Ms. No. 793, Public (Confidential), dated 29th August 1927; Government of India, Finance Department No. F. 6-II/R. II/29, dated 23rd May 1930; G.O. Ms. No. 771, Public (Special) dated 25th June 1930, and A.-G.'s Case Pen. Mis. No. 3-43 of 1919-34.]

2. A question having arisen as to the counting, for the special additional pension of the periods during which Mr. H. .... an Officer of the Indian Audit and Accounts Service, was allowed officiating pay of Class I of the service while holding the post of the Audit Officer of a project, a post declared to be a special post for the purpose of the second proviso to the Fundamental Rule 30 (1) the Government of India decided that the grant to Mr. H................ of the pay of Class I during the periods in question implied the grant to him also of officiating promotion to that class and that as the periods do not include any period prior to the date on which the words "be given any officiating promotion.................... ......and may thereupon" were inserted in the second proviso to Fundamental Rule 30 (1) the officiating service of Mr. H. .... automatically counts, under

Article 644 (*b*) for the lower grade additional pension, without any special sanction of the President of the Republic of India.

[Government of India, Finance Department, letter No. F. 23 (3)-Ex-1/34, dated 16th January 1934, to the Comptroller and Auditor-General and A.-G.'s Pen. Mis. No. 3-43 of 1919-34, New Pension Rules Case.]

3. Officers of the Indian Agricultural Service and the Civil Veterinary Department, holding appointments the minimum substantive pay of which is not less than Rs 1,250 a month, exclusive of overseas allowance, will be eligible for a lower grade additional pension.

The effect of these orders is that service in the selection grade of the Agricultural and Civil Veterinary Department and service as Veterinary Adviser after completion of 15 years' service in the latter department will count for the additional pension.

[Government of India (R. and A.) Circular No. 1701/39, dated 22nd October 1920, communicated with Finance Department Endorsement No. 2001-C.S.R., dated 1st November 1920; G.O. No. 2602, Revenue, dated 20th October 1920, and A.-G.'s Case Pen. Mis. No. 3-43 of 1919-34.]

4. The Government of India have held that the service in a temporary post counts for the special additional pension under Article 475-A, provided that the temporary post carries similar duties and the same rate of pay as a permanent post.

(Government of India, Department of Industries and Labour, Public Works Branch, No. E. 64, dated 22nd September 1925, A.-.G.'s Case Pension Mis. No. 3-34 of 1926-27.)

5. The Government of India have ruled that the new pension rules must be accepted or rejected in their entirety and that officers electing to remain under the provisions of the old rules cannot therefore be admitted to the benefits of the special additional pensions provided in the new rules.

(Government of India, Finance Department Endorsement No. 904-C.S.R., dated 3rd June 1920, A.-G.'s Case Pension Mis. No 3-43 of 1919-34.)

(G.O. Mis. No. 178, Public, dated 1st March 1927, A.-.G.'s Case Pension Mis. No. 3-18 of 1924-34.)

6. It has been decided by the Comptroller and Auditor-General with the concurrence of the Government of India that periods of joining time availed of by an officer on transfer from one qualifying post to another such post which he held in an officiating capacity should be allowed to count as effective service in a qualifying post for purposes of special additional pension only if the competent authority certifies that, had the officer not been on joining time, he would have held either the new or the old qualifying post.

(Comptroller and Auditor-General's letter No. 119-A/107/34, dated 27th July 1934, A.-G.'s Case P. V. No. 6-13 of 1934-35.)

7. The Departments of the Secretariat will see that the necessary certificates are issued in proper time, so that they may be appended to the pension applications of officers concerned in order to enable the Accountant-General to furnish a definite report on the amount of special additional pension admissible in each case.

[G.O. No. 590, Finance (Pension), dated 8th September 1934.]

8. It has been decided by the Secretary of State that any representation made by a retired officer against the refusal of special additional pension should be regarded as a statutory appeal and that it is permissible to grant a reduced special additional pension.

(Government of India, Finance Department, No 914-R, II/36, dated 7th May 1936. A.-G.'s Case P.V No. 6-7 of 1936-37.)

9. For special additional pension admissible to Members of the Andhra Pradesh Public Service Commission, please see ruling under Article 350.

10. The holder of the post of Registrar, High Court, Hyderabad, other than a member of the Indian Civil Service, if appointed prior to 14th July 1934, shall be eligible for the lower grade special additional pension specified in Article 475-A, subject to the conditions stated in that Article.

[G.O. No. 688, Finance (Pension), dated 1st August 1936, A.-G.'s Case P.V. No. 6-21 of 1936-37.]

11. An officer who held a permanent post effective service in which counts for Special Additional Pension, was compulsorily recalled to duty during the currency of leave on average pay out of India after the expiry of the first four months. It was held by the Accountant-General that the time spent by the officer on his voyage to India and on the journey from the port of disembarkation till he reported for duty does not constitute an unqualified period of duty for all purposes under the rules and that it cannot count as effective service for purposes for special additional pension under Article 475-A as it did not fall within the first four months of leave on average pay. This view has been concurred in by the Government of India

[G.O. Ms. No. 267, Finance (Pension), dated 6th May 1941, A.-G.'s P.V. Rules and Orders File, 1941-42.]

12. A question arose whether the words "a post listed in the schedule" occurring in clause (3) of Article 475-A have reference to the *corresponding* permanent post listed in the schedule to that Article or to *any* post mentioned therein. It has been decided with the concurrence of the Government of India, that if in respect of both the conditions prescribed in that clause a temporary post can be held to be comparable with any permanent post listed in the appropriate part of the schedule and the "State Government" gives the necessary declaration, the benefit of that Article may be given to an officer irrespective of whether the comparable post is a corresponding permanent post or not.

[Comptroller and Auditor-General's letter No. 71-A/108-43, dated the 8th February 1944 A.-G.'s P.V. Rules and Orders File 1 of 1942-44, G.O. Ms No. 167, Finance (Pension), dated the 27th March 1944.]

13. The Secretary of State has sanctioned the counting for special additional pension under Article 475-A, of such service rendered in temporary posts by State service officers prior to their substantive promotion to listed posts as was allowed to count for increments in the Indian Civil Service scale. This concession is extended to any other officers similarly placed, namely, those whose rates of pay though not the same as the rates laid down for similar posts included in the schedule to Article 475-A, but are or were equal in total amount to those rates.

The counting of such service rendered prior to 1st April 1937 is subject to the condition that no State service officer gets more than what a directly recruited All-India Service Officer with the same length of service will get.

(Government of India, Home Department, letter No. 178/40, Ests., dated 15th July 1944; G.O Ms. No. 420, Finance, dated 14th August 1944, A.-G.'s P.V. Rules and Orders File, 1944-45.]

14. The term 'Government' in clauses 4 (i) and (ii), (5) and (6) in the revised Article 475-A, promulgated in Government of India, Finance Department, Notification No. F. 1 (2)-R. II/39, dated 21st December 1944, should be taken to mean the Goverment of India or the State Governments, as the case may be. For this purpose the words "Government of India" includes Departments of the Government of India which exercise the powers of 'Government' within their own spheres.

[Government of India, Finance Department, Office Memorandum No. F. 1 (2)-R. II/39, dated 21st December 1944, A.-.G.'s P.V. Rules and Orders File, 1944-45.]

475-AA & **475-AAA.** *Omitted.*

475-B. Special additional pensions may be granted by a State Government to Military officers on the supernumerary list who have rendered approved service in certain high civil posts, on the following conditions:—

(1) Additional pensions may be granted at the following rates:—

(i) At the rate of £66 13s. 4 d. a year, for each completed year, not exceeding three, of effective service in any civil post or posts carrying pay not less than Rs. 4,000 a month;

(ii) At the rate of £33 6s. 8d. for each year, not exceeding three, of effective service in any civil post or posts carrying pay not less than Rs. 3,000 a month :

Provided that the additional pension admissible under this rule shall not exceed £200 and that the total pension of an officer in receipt of pension under this rule shall not exceed £1,000, or, if the additional pension be wholly at the lower rate, £900.

(2) In the case of an officer serving in a qualifying post carrying progressive or time-scale pay with a maximum of Rs. 3,000 or Rs. 4,000, that portion only of his service during which he has drawn the maximum pay of the post shall qualify for additional pension at the lower or higher rate, respectively.

(3) Service in a post qualifying for the higher rate of additional pension may count for the lower rate, provided

that no period of service shall count for both lower and higher rate of pension.

* (4) For the purpose of clause (i) of this Article the expression 'effective service' includes, besides periods of duty in a post referred to in that clause,

(i) duty performed—

(*a*) in a post of corresponding rank and responsibility in foreign service, or

(*b*) on deputation on special duty, or

(*c*) in a temporary post, or

(*d*) in a permanent post in an officiating capacity, to which an officer is transferred or appointed while holding the post mentioned in clause (1).

If, in the case of an officer who held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not been so transferred or appointed, have continued to officiate in that post.

(ii) Privilege leave or leave under the Fundamental Rules corresponding to privilege leave, for the purpose of calculating service for pension taken by the officer during his service in the post mentioned in clause (1) or during the period of duty covered by sub-clause (i) of this clause.

If, in the case of an officer who has held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not proceeded on leave, have continued to officiate in that post.

(5) An officer who has received under Fundamental Rule 113, officiating promotion to a post covered by clause (i) of this Article, or in whose case the local Government certifies that he would have received such promotion had he not been on special duty or holding a temporary post, may be allowed by the local Government an additional pension at the rates and subject to the conditions prescribed in clauses (1), (2) and (3) of this Article, as though he had held during the period for which he officiated or would have officiated, a post covered by clause (1).

NOTE.—(For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension, taken during the period, but no other leave if the Local Government certifies that had the officer not been on leave, he would have continued in the same capacity).

*Clauses (4) and (5) of Article 475-B were inserted in their present form with effect from the 26th January 1938.

Rulings.

1. Each year in sub-clause (ii) of clause (1) of this Article means "each completed year".

(Government of India, Finance Department, No D/1846-R-II. dated 17th July 1930, A.-G.'s case Pen. Ms. No. 3-9, dated 1930-31.)

2. The words "progressive or time-scale pay with a maximum of" and "maximum pay" occurring in clause (2) of Article 475-B cannot be interpreted to refer to basic pay alone but should be taken to include overseas pay also.

[India Office, letter No. F. 1698/38. dated 11th May 1938, communicated with Government of India, Finance Department, letter No. F. 1/(11)/R. 11/37, dated 30th May 1938. A.-G.'s P V. No. 6-5/1938-39.]

476. The following special scale of pension is admissible to officers appointed in England to the Imperial Services of the Forest and Geological Survey departments before the 6th December 1932, and who did not elect the rules mentioned in Article 349-A:—

(*a*) After a service of less than ten years, an invalid gratuity on the scale laid down in Article 474 (*a*).

(*b*) After a service of not less than ten years but less than twentyfive years, an invalid pension on the scale laid down in Article 474 (*b*).

(*c*) After a service of not less than twenty years, a retiring pension not exceeding the following amounts:—

Years of completed service.	Scale of pension.	Maximum limit of pension.
20 to 24	30 sixtieths of average emoluments.	Rs. 4,000 a year or Rs. 333⅓ a month.
25 and above.		Rs. 5,000 a year or Rs. 416⅔ a month.

NOTE 1.—(The rules in this article do not apply to the following officers who have elected to remain under the rules in Articles 518 and 520 of the *Second Edition* of these Regulations:—

Forest department.—Messrs. T. A Hauxwell and H. S. Ker-Edie.

Geological Survey department.—Mr. C. S. Middlemiss.)

NOTE 2.—(The corresponding rule applicable to officers mentioned in Article 349-A is contained in Article 474-A.)

477—480. *Cancelled.*

Section III.—Amount of Last Grade Service pension.

481. *For Last Grade qualifying service, pension may, subject to the conditions laid down in Articles* 426 *to* 457 *be granted as follows:—*

(*a*) *Compensation and invalid gratuity—*

After a service of less than five years—Nil.

After a service of not less than five years but less than thirty years—Half a month's pay for every completed year of service, subject to a maximum of fifteen months' pay.

(*b*) *Compensation and invalid pension*—

After a service of not less than 30 *years, pension equal to one-half of the average emoluments as defined in Article* 487.

(*c*) *Retiring pension and gratuity*—

(*i*) *A person on whom the penalty of compulsory retirement is imposed before he has completed* 25 *years of qualifying service may be granted a retiring gratuity not exceeding that which would have been admissible to him if he had retired on medical certificate.*

(*ii*) *A person who is compulsorily retired either on the ground of inefficiency or as a measure of punishment after he has completed* 25 *years of qualifying service may be granted a retiring pension or gratuity not exceeding the pension or gratuity which would have been admissible to him if he had retired on medical certificate.*

NOTE.—*Before compulsory retirement is ordered under sub-clause* (*i*) *or sub-clause* (*ii*), *the procedure prescribed by rule* 15 (*b*) *of the Andhra Pradesh Civil Services* (*Classification, Control and Appeal*) *Rules, including the framing of clear and specific charges shall be followed: and the person concerned shall also have a right to appeal against the order, to the authority to whom an appeal against an order of dismissal would have lain.*

(*iii*) *A person who has reached* 55 *years of age or who has rendered not less than* 30 *years of qualifying service and who applies for retirement may, if the head of the office certifies to his incapacity for further service, be permitted to retire on a retiring pension or gratuity, as the case may be, not exceeding that which would have been admissible to him if he had been invalided by a medical authority.*

* **481. (Revised)**—*For Last Grade qualifying services, pension may, subject to the conditions laid down in Articles* 426 *to* 457, *be granted as follows*:—

(*a*) *Compensation, invalid and superannuation gratuity*—

After a service of less than five years—Nil.

After a service of not less than five years, but less than twenty years—*Half a month's pay for every completed year of service.*

(*b*) *Compensation, invalid and superannuation pension*—

After a service of not less than twenty years, pension calculated in accordance with the scale specified below :—

Years of completed service.	*Scale of pension.*	
20	20	*Sixtieths of average emoluments of the las tthree years of service.*
21	21	
22	22	
23	23	
24	24	
25	25	
26	26	
27	27	
28	28	
29	29	
30	30	

* *The revised article takes effect from the* 1st *January* 1951.

(c) Retiring pension and gratuity—

(i) A person on whom the penalty of compulsory retirement is imposed before he has completed 25 years of qualifying service may be granted a retiring gratuity or pension as the case may be, not exceeding that which would have been admissible to him if he had retired on medical certificate.

(ii) A person who is compulsorily retired on the ground of inefficiency after he has completed 25 years of qualifying service may be granted a retiring pension not exceeding the pension which would have been admissible to him if he had retired on medical certificate.

NOTE.—*Before compulsory retirement is ordered under sub-clause (i) or sub-clause (ii), the procedure prescribed by rule 15 (b) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, including the framing of clear and specific charges shall be followed and the person concerned shall also have a right to appeal against the order to the authority to whom an appeal against an order of dismissal would have lain.*

(iii) A person who has reached 55 years of age or who has rendered not less than 30 years of qualifying service and who applies for retirement may, if the head of the office certifies to his incapacity for further service, be permitted to retire on a retiring pension or gratuity as the case may be, not exceeding that which would have been admissible to him if he had been invalided by a medical authority.

Rulings.

1. In the case of a Press servant in last grade service, for whom pay means the average earnings of the last six months (as defined in rule 1 under Article 486), who is on leave without allowances during a portion of the last six months, pay means the actual earnings of the last six months divided by the actual number of months on duty excluding the period of leave without allowances.

(A.-G.'s Case Pen. No. 61 of 1909-10-11.)

2. The Government have decided that in the case of a last grade servant the principle underlying sub-paragraphs (ii) and (iii) of paragraph 27 in section III of the Manual of Audit Instructions (corrected up to 31st March 1947) (*vide* rulings 8 and 8-A under Article 487) will be followed in determining pay for the purpose of Article 481.

(G.O. No. 83, Finance (Pension), dated 6th February 1939; A.-G.'s Case P.V. No. 6-19 of 1937-38-39.)

482. If the pay of an officer has been reduced during the last three years of his service otherwise than as a penalty, his gratuity under this section may, at the discretion of the authority which has power to sanction it, be calculated upon the average of his pay during the last three years of his service.

PREMATURE INVALIDING.

483. An officer should not, without urgent necessity, be invalided when he has nearly completed thirty years' service; the Government cannot undertake to overlook a deficiency of service resulting from an officer being prematurely invalided The principle of this rule applies to all analogous cases.

484 & 485. *Omitted.*

Section IV.—Allowances reckoned for pension.

EMOLUMENTS AND AVERAGE EMOLUMENTS.

486. The term "Emoluments," when used in this part of the Regulations, means the emoluments which the officer was receiving immediately before his retirement and includes--

(*a*) pay other than that drawn in a tenure post;

(*b*) personal allowance, which is granted—

(i) in lieu of loss of substantive pay in respect of a permanent post other than a tenure post, or

(ii) with the specific sanction of the Government of India, for any other personal considerations.

NOTE.—'Personal pay' granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post shall be treated as a personal allowance for the purpose of this article. Personal pay granted on any other personal considerations shall not be treated as personal allowance unless otherwise directed by the President.

(*c*) fees or commission, if they are the authorized emoluments of an appointment and are in *addition* to pay. In this case "Emoluments" means the average earnings for the last six months of service;

(*d*) charge allowance to Telegraphists in the Indian Telegraph Department and to Signallers, Inspectors and Charge Clerks in the Indo-European Telegraph Department;

(*e*) Commission in the case of a Thugyi in Lower Burma. "Emoluments" in this case being held to mean the average of his monthly receipts in commission during the three years' actual service previous to retirement—but see example (3) under Article 489;

(*f*) bullock train allowance in the Post Office Department;

(*g*) allowance attached to a professorship or lecturership in a Government Institution ;

(*h*) acting allowances of an officer without a substantive appointment if the acting service counts under Article 371, and allowances drawn by an officer appointed provisionally under Article 89, or appointed substantively *pro tempore* under Article 90 or in an officiating capacity under the rules in Section I * of Chapter VI to an office which is substantively vacant and on which no officer has a lien or to an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances or on transfer to foreign service;

(*i*) deputation (duty) allowances; and

(*j*) duty allowances.

(1) In the case of section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380, 'Emoluments' means the average earning of the last six months of service. For calculating gratuity on the superior scale, "Emoluments" means the average earnings of the last six months in superior service, and for calculating pension on the last grade scale, pay means the average earnings of the last six months in last grade service.

‡ (2) In the case of an officer with a substantive appointment who officiates in another appointment or holds a temporary appointment, "Emoluments" means—

(*a*) the emoluments which would be taken into account under this article in respect of the appointment in which he officiates or of the temporary appointment, as the case may be, or

(*b*) the emoluments which would have been taken into account under this Article had he remained in his substantive appointment, whichever are more favourable to him.

Rulings.

1. Personal allowances granted for loss of acting allowance by the introduction of the time-scale of pay count for pension.

(Government of India, No. 12-C.S R., dated 7th January 1915; A.-G.'s Case Pen. Ms. No. 3-16 of 1914-15.)

2. The definition of the term "emoluments" as used in clause (*c*) of this article applies to the case of gratuity only, and not to a pension. In cases in which fees or commission are drawn in addition to pay, pension should be calculated on "average emoluments" as defined in Article 487.

(Government of India, Finance Department, No. 4633, dated 27th October 1893.)

3. The fees earned by a Nazir appointed to the management of an estate under the Guardian and Wards Act of 1890, the Indian Trust Act of 1882, the Indian Succession Act of 1865, the Lunacy (District Court) Act of 1858 and Bombay Regulation VIII of 1827, do not count for pension.

(G.O. No. 1466, Judicial, dated 16th September 1912.)

4. In the case of a Government servant who, while holding a substantive post on a permanent establishment, is appointed to officiate in a permanent post, which is substantively vacant, or which is temporarily vacant in consequence of the absence of the substantive incumbent

* Not printed.

‡ Rule 2 under Article 486 takes effect from the 3rd March 1936.

on extraordinary leave or on transfer to foreign service and who is allowed to draw enhanced pay or salary under the Civil Service Regulations for officiating in the latter post, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension. This decision takes effect from 11th September 1920.

[Government of India, Finance Department, No. 16-C S.R./26, dated 22nd January 1926, and G O. No. 128, Finance (Pension), dated 2nd March 1926, in A.-G.'s Case Pen. Ms. No. 3-2 of 1925-27.]

NOTE.—In cases where the conditions of Article 486 (h) are fulfilled the concession of counting officiating allowances as emoluments for pension is admissible to State Service Officers officiating in All-India Services posts. This decision issues with the concurrence of the Government of India.

[Letter No. 430-A/186-41, dated 14th November 1941, from the Comptroller and Auditor-General of India to the Accountant-General, United Provinces, copy received with Comptroller and Auditor-General's endorsement No. 31-A/4186-41, dated the 14th November 1941. A.-G.'s P.V. Rules and Orders file of 1941-42.]

5. Overseas pay, Judicial pay, Language pay and Technical pay are not of the nature of duty allowances. These are regarded as "Pay" for all purposes. They should not, therefore, be included in the calculation of average emoluments, if they are drawn on account of the officiating post unless the conditions prescribed in paragraph 4 above are satisfied.

(A.-G.'s Case Pen. Ms. No. 3-4 of 1926-27.)

6. The current rate of exchange, as defined in Article 229, Auditor-General's Account Code, Volume IV, will be adopted for the conversion of Sterling Overseas pay into rupees for the purpose of calculating average emoluments for pension.

[Government of India, Finance Department, No. F./182-C.S.R./26, dated 13th August 1926, and G.O. Ms. No. 434, Finance (Pension), dated 23rd September 1926, in A.-G.'s Case Pen. Ms. No. 3-15 of 1926-27.]

7. The sanctioned special pays in classes I to III of the Andhra Pradesh Manual of Special Pay and Allowances count for pension as they are of the nature of duty allowances.

8. When the lien of a Government servant upon his susbstantive appointment is suspended under Fundamental Rule 13, the increased remuneration of all Government servants, whose appointments are made provisionally substantive in the resulting chain of vacancies, are reckoned as part of average emoluments for the purpose of calculating pension.

[Government of India, Finance Department, No. 1098-C.S.R., dated 18th December 1918, and G.O. No. 1028, Finance, dated 27th December 1918, in A.-G.'s Case Pen. Ms. No. 3-43 of 1917-30.]

NOTE.—It should be seen that the suspension of lien under Fundamental Rules satisfies the conditions in Article 89 and the note thereunder, before the provisionally substantive pay is taken into account for calculation of average emoluments for pension. Vide also rulings in paragraphs under Articles 89 and 753.

[A.-G.'s Case P.V. No. 3-3/44-45, Comptroller and Auditor-General's letter No. 19-A/397 G.D.E./43, dated 15th January 1944.]

[Comptroller and Auditor-General's Memorandum No. 377-A/120-44, dated 1st September 1944, A.-.G.'s Case Pen. Ms. No. 3-2 of 1944-45.]

9. The "Special pay granted on account of unhealthiness of locality" should be classed as "Duty Allowance" for the purposes of Article 486 (j) and should therefore count as "emoluments" for pension,

whether the officer who drew it held the post to which it was attached, in a substantive or in an officiating capacity.

[Controller of Civil Accounts letter No. 311-A/236-29, dated 29th November 1929, A.-G.'s Case Pen. Ms. No. 3-3 of 1927-30.]

10. In the case of an officer who was lent to foreign service before 5th September 1928 or whose term was extended before that date, his average emoluments should be calculated on the foreign service pay until the period of his foreign service originally sanctioned expires and in the case of an officer who was lent to foreign service before 5th September 1928 and whose original term expires within three years from that date, his average emoluments should be calculated partly on foreign service pay and partly on British pay.

[Government of India, Finance Department, No. F. 1 (26)-R. 1/33, dated 15th January 1934, and No. F. 1 (12)-R. 1/34, dated 13th March 1934, A.-G.'s Case Pen. Ms. No 3-9 of 1932-33.]

CLASSIFICATION OF OBSERVATORY ALLOWANCES DRAWN BY PART-TIME OBSERVERS

11. It has been decided by the Government of India that the local allowances drawn by part-time observers holding substantive appointment in Government service should be treated as 'remunerative" local allowance which should count towards leave allowances and pensions.

(Government of India, Revenue and Agriculture Department, letter No. 156/75-2 dated 28th January 1916.]

12. The allowances attached to the King's Police Medal and the Indian Police Medal should not be merged in the salary of the recipients of the Medals for purposes of calculating their pension.

[Government of India, Home Department, No. F. 25-5/35, Police, communicated with Government of India, Finance Department, No. D/865-R. 1, dated 27th April 1935, G.O. No. 251, Public (Police), dated 30th April 1935, A.-G.'s Case P.V. No. 6-2 of 1935-36.]

13. Rule 2 to Article 486 was introduced so as to provide that an officer with a substantive appointment who before retirement officiates in a higher appointment or holds a higher temporary appointment may count towards pension either the emoluments which would be taken into account in the higher appointment under *the article* or the emoluments which would have been taken into account had the officer remained in his substantive appointment, whichever are more favourable to him. The emoluments which can be taken into account under Article 486 in the case of an officer officiating in a higher permanent appointment are not only the emoluments referred to in clause (*h*) of that article but also those referred to in clause (*j*) thereof . The substantive holder of a permanent post who holds a temporary post is likely to draw under Article 76-C, deputation (duty) allowance (i.e., special pay) which counts for pension under Article 486 (*i*). The intention underlying Rule 2 to Article 486 is that an officer's pension should not be adversely affected by his appointment to a higher post.

[Government of India, Finance Department, letter No. F. 11-(14)-R. II/36, dated 16th June 1936, to the Government of Madras communicated with No. F. 11 (14)-R. II/36, dated 9th July 1936, A.-G.'s P.V. Case No. 6-8 of 1935-37.]

NOTE.—In a case where cadre posts (some of which carry special pay) are involved the question which post should be considered as the substantive post in which the officer would have remained if he had not been appointed to officiate elsewhere is one which can only be decided by the competent appointing authority with reference to actual facts irrespective of the substantive post actually held immediately before the officiating appointment and irrespective of whether the officer is actually allowed a lien on a *particular* post or on *a* post in the cadre. For the purpose of Rule 2 (*b*) under Article 486, a declaration from the competent authority in such cases specifying the substantive appointment in which an officer would have remained if he had not been appointed to officiate elsewhere will be accepted in audit

[Paragraph 26-A under Section III of the Manual of Audit Instructions as introduced by C.S. No. 28, dated 1st February 1939, A.-.G.'s Case P.V. No. 6-36 of 1938-39.]

14. The Comptroller and Auditor-General with the concurrence of the Government of India has stated that the additional pay received under Fundamental Rule 49 (b) cannot be taken into account in calculating the pension as it cannot be treated either as connected with the officiating appointment or as " duty allowance " for " increase of work and responsibility " (under Article 23-C), either in the substantive or officiating appointment.

The position under the Civil Service Regulations is that in a case of combination of appointment, the pension which would have been admissible to a Government servant in respect of each appointment if he had held it separately and alone has to be calculated separately (of Article 492) and consequently in calculating pension admissible in respect of any one appointment, " emoluments " received in respect or more than one appointment cannot be taken into account. It is for this reason that for the purpose of calculating pension in respect of one appointment the " allowance " admissible under Article 162 (ii) [on which Fundamental Rule 49 (*b*) is based] in respect of the other additional appointments held is not included as " emoluments in Article 486.

(Comptroller and Auditor-General's letter No. 123-A/31-37, dated 5th April 1937, A.-.G.'s Case P.V. No. 6-8 of 1935-37.)

NOTE.—The Comptroller and Auditor-General has decided with the concurrence of the Government of India that no past cases in which sanction to pension was accorded before the 5th April 1937 should be reopened now, even though the pensions still continue to be paid at a rate higher than is admissible under the accepted interpretation given in Comptroller and Auditor-General's letter No. 123-A/31-37, dated 5th April 1937, referred to above.

(Comptroller and Auditor-General's letter No. 2569-G.B.E./166-37, dated 1st November 1937, A.-.G.'s Case P.V No. 6-8 of 1936-38.)

15. Under Article 486 (*h*), the concession of counting the *officiating* pay as emoluments for purposes of pension is admissible only to the person who officiates in the post which is substantively vacant and not to persons appointed in the chain of arrangements made in consequence of that vacancy.

(Comptroller and Auditor-General's letter No. 341-A/166-39, dated 19th July 1939, to the Accountant-General, Central Provinces and Berar, copy communicated in his Endorsement No. 342-A/166-39, dated 19th July 1939, A.-.G.'s Case P.V. No. 6-44 of 1938-39-40.)

16. The temporary additional pay granted for the duration of the war to the non-gazetted ranks of the police force in G.O. No. 3093, Home, dated 28th August 1942, which was not allowed to be reckoned as emoluments for pension in G.O. No. 41, Home, dated 7th January 1943,

has, with effect from 1st October 1945, been treated as permanent additions to pay counting as " Pay " for all purposes, including pension.

(G.O. Ms No. 544, Home, dated 20th February 1946, A.-G.'s P.V.R and O. File of 1946-47.)

17. The proficiency pay sanctioned for head constables, constables of Armed Reserves, Presidency General Reserve and Special Emergency Forces in G.O. No. 1037, Home, dated 31st March 1944, should be reckoned as emoluments for the purpose of calculating pension.

(G.O. No. 2783, Home, dated 15th September 1944.)

487. The term " Average Emoluments " means the average calculated upon the last three years of service.

(1) If, during the last three years of his service, an officer has been absent from duty on leave with allowances, or having been suspended has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended : Provided always (*a*) that his pension must not be increased on account of increase in pay not actually drawn and (*b*) that an officer will not during leave be allowed to count as emoluments the *sub-pro tem* allowances which he would have been entitled to so count under Article 486 (*h*) had he remained on duty, if another officer has been appointed *sub-pro tem* to the same appointment during the period of such leave. But if his absence on departmental or recess leave is reckoned as service under Article 409, only the allowances, if any, actually received during such leave should be taken into account.

(2) If, during the last three years of his service, an officer has been absent from duty on leave without allowances (not counting for pension), or in inferior service, or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the three years being included.

(2-A) * In the case of a military officer, departmental officer, warrant or non-commissioned officer or soldier who was in civil employ on 7th June 1937 and was or may be granted a pension under military rules on or after the 30th May 1933 and whose pay has been reduced under Clause (*b*) of Article 526, emoluments for the purpose of ascertaining the average shall be taken at what they would have been had the pay not been reduced.

*** Rule 2-A under Article 487 takes effect from 30th May 1933.**

(3) Excepting as provided in * (rules 1, 2 and 2-A) only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

Exception.—This rule shall not apply in the case of Officers of the Prohibition and Excise Departments who were promoted or confirmed with retrospective effect with reference to the orders issued in G.O. No. 1862, Revenue, dated the 27th June 1950, reviving the permanent posts in the Excise Department which were abolished on the introduction of Prohibition and with reference to Memorandum No. 81040-S/50-10, Development, dated the 3rd July 1951.

(4) In the case of Section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380. "Average Emoluments" means the average earnings of the last seventy-two months in superior service.

NOTE 1.—(This rule applies in the case of a Press servant remunerated by a fixed rate of pay if his pay is met from the grant for piece-work).

NOTE 2.—Overtime earnings of Press servants paid at piece-work rates may be taken into account in calculating average emoluments under this rule; but such earning must be excluded in reckoning the average emoluments of Press employees who draw pay at fixed rates)

NOTE 3.—(If during the last 72 months of service, a Press servant has been for some period on fixed pay and for other periods a piece-work employee, overtime earnings may be taken into account in calculating pension only for the periods during which he was remunerated at piece-work rates.)

Rulings.

1. In the case an officer who has submitted a medical certificate of incapacity for further service while on leave other than privilege leave, the period of leave up to the date of its termination when that is later than the date of the medical certificate should be taken into account for the purpose of calculating average emoluments.

(Government of India, No. 5179-P., Finance, dated 10th December 1896.)

2. In calculating the average earnings under Article 486 (*c*) in the case of a Sub-Registrar on fixed pay and in receipt of a commission on registration fees and who was on leave during the last six months of his service, the principle of Rule 1 to this article should be applied.

(Government of India, letter No. 6422-P., Finance, dated 20th November 1905.)

* ( ) Substituted for the words "rules 1 and 2" with effect from the 30th May 1933.

3. (*a*) In cases in which an officer is remunerated at different rates during the last three years of his service by fixed pay and piece-work rates, average emoluments should be calculated on the last 72 months' service according to Rule 4 under this article.

(Government of India, No 7479-P, Finance, dated 10th December 1903.)

(*b*) The service of a piece-work employee in Press establishment during such time as he was on fixed pay during the last 72 months, should be disregarded; his piece-work earnings during the rest of the period being divided by the period during which he was actually remunerated at piece-work rates.

In the case, however, of a piece-work employee who has been brought on to an establishment paid at fixed monthly rates on a permanent basis, average emoluments for purpose of pension should be calculated on the average of the last 72 months immediately prior to retirement including the period during which he drew pay on the establishment at fixed monthly rates if the period on fixed pay is less than three years. If the period during which he drew pay on fixed monthly rates is three years or more, average should be calculated for the last three years, as in ordinary cases.

[G O. Ms. No. 679, Finance (Pension), dated 24th October 1940, A.-G.'s Case Pen. K. No. 10 of 1940-41.]

(*c*) In cases where a piece-work employee retires on a date other than the first day of a month and broken periods of a month have consequently to be taken into account in calculating pension, average emoluments should be calculated on the earnings of the last 72 complete months, ending on the last day of the month immediately preceding that in which the officer retires from the service, the "month" referred to being, not necessarily the calendar month but the month for which the accounts of piece-workers' earnings are made out, namely, from one date in a calendar month to the corresponding date of the next calendar month.

(*d*) In cases where leave without allowances, or suspension, occurs during the last 72 months' service, an equal period of qualifying service rendered immediately before the period should be taken into account in accordance with the principle laid down in Rule 2 under this article.

(Government of India, No. 5862-P., Finance, dated 21st October 1908.)

4. An officer promoted from lower to higher pay while on furlough or other leave on which he would not receive the benefit of enhanced pay till he returned to duty, cannot, if he retires with gratuity without rejoining his appointment, claim the benefit of gratuity, calculated on the pay to which he was promoted while on furlough or other leave as described above.

(Government of India, No. 1300, Finance, dated 7th June 1883.)

5. The increment which is drawn by an officer on return from leave but which he would have drawn had he not been on leave cannot be included in his "Emoluments" prior to the date with effect from which he actually drew it.

(Government of India, No. 2960-P., Finance, dated 14th May 1907.)

6. The average emoluments of an officer, paid by commission who was on temporary duty for any period during the last three years of his service, should be calculated on his actual earnings in his substantive appointment during so much of the three years divided by the period for which he was in his substantive appointment, his service on temporary duty being disregarded.

(Government of India, No. 3090-P., Finance, dated 24th May 1907.)

7. The calculation of average emoluments for pension should be based on the actual number of days contained in each month

(A.-G.'s Case Pension Ms. No. 3-27 of 1927-28.)

8. For purposes of calculation of average emoluments under this article, an increase of pay which took effect during the currency of privilege leave combined with furlough during the last three years of service and was actually drawn by a Government servant as part of his privilege leave allowances under Article 60, is not an "increase in pay not actually drawn" within the meaning of proviso (*a*) to Rule 1 under this article. The rate of pay during the furlough portion to be taken into account for the calculation of "average emoluments" would be what the Government servant would have drawn had he been on duty, i.e., based on the increased rate of pay drawn during the privilege leave portion of the combined leave

[Paragraph 4 on page 36 of the Manual of Audit Instructions, 1926.]

8-A. A Government servant who takes leave under the Fundamental Rules during the last three years of his service and who during the currency of the leave on average pay not exceeding four months or the first four months of any period of leave on average pay exceeding four months is promoted in a substantive or provisionally substantive capacity to a post carrying a higher rate of pay or earns an increment which is not withheld, is entitled in respect of the period of his leave to count the pay which he would have drawn had he remained on duty, as "emoluments" for the purpose of Article 487, even though the increase in pay due to promotion or increment is not actually drawn during leave under the Fundamental Rules corresponding to privilege leave.

When gratuity alone is admissible under the Civil Service Regulations for service less than 10 years in the case of superior servants and for less than 20 years in the case of last grade servants retiring from or after the 1st January 1951, and when an increment accrues during the first four months of leave on average pay preparatory to retirement but is not drawn, the gratuity may be worked out on the basis of the increased rate of pay taking into account the undrawn increment.

[Paragraph 27 (iii), Section III of the Manual of Audit Instructions.]

NOTE 1.—It has been decided by the Comptroller and Auditor-General that the interpretation above should be given effect to in respect of all retirements on or after the 3rd June 1938, the date of the Comptroller and Auditor-General's letter. It has also been decided that all increments which fell due and were not withheld during the currency of leave on average pay corresponding to privilege leave taken within the last three years of an officer's service should be taken into account for purpose of average emoluments and not only such increments as fell due after the date of effect of the above interpretation.

(Comptroller and Auditor-General's letter No. 549-A/100-38, dated the 10th December 1938; A.-G.'s Case P.V. No. 6-19/1937-39.]

NOTE 2.—The Government have decided that when a Government servant officiating in a post is drawing a certain rate of pay while he proceeds on leave exceeding four months during the last three years of his service and is confirmed in the post in which he was officiating during the currency of leave exceeding four months his pay in that post from the date of confirmation does not constitute an " increase in pay not actually drawn " within the meaning of proviso (*a*) to rule 1 under Article 487.

[Finance U.O. Note No. 2761-Pen.-2, dated the 4th February 1944, A.-G.'s P.V. Case No. V. 107/43-44.]

NOTE 3.—The Auditor-General has ruled that no kind of disability in the matter of leave salary, or reckoning of service or emoluments for the purpose of pension is attached to leave taken under Fundamental Rule 86. Increments or increase in pay accruing during the period of leave granted under Fundamental Rule 86 (after the date of compulsory retirement), even though not actually drawn, shall therefore be taken into account in the calculation of average emoluments for the purpose of pension. This ruling shall apply to cases of retirement arising on or after 22nd July 1948.

9. (*a*) Periods of joining time, other than joining time under Note 2 below Fundamental Rule 107, which fall within the last three years of a Government servant's service should form part of the three years for the purpose of " average emoluments ".

(*b*) In cases of joining time falling under clauses (*a*) and (*c*) of Fundamental Rule 107, where the pay of a particular post is drawn, the actual " emoluments " (not the actual joining time allowance) drawn should be taken for the purpose of average emoluments. In cases of joining time falling under clause (*b*) (ii) of Fundamental Rule 107 during which leave salary is drawn, and in cases falling under clause (*b*) (i) of Fundamental Rule 107, during which no leave salary is drawn the pay (i.e., emoluments), which would have been drawn (but for a rule or order not allowing it) if the Government servant had not been on joining time should be taken into account in the calculation of " average emoluments ".

(Comptroller and Auditor-General's letter No. 110-A/102-34, dated 27th July 1934, A.-.G.'s Case P.V. No. 6-10 of 1934-35, paragraph 4-B of the Manual of Audit Instructions.)

10. The Government of India have ruled that the concession of treating employment in an Indian State* during leave preparatory to retirement as private employment should not be granted to officers who are already in foreign service and propose to continue on duty in the service of the same employer during the leave.

[Government of India, Finance Department, No. F.I. (45) R.I./31, dated 21st December 1931, recorded in G.O. Ms. No. 18, Finance, dated 21st January 1932; A.-.G.'s Case Pen. C. Mis. No. 3-10 of 1931-32.]

11. If an officer holding substantively a qualifying post is promoted to another vacant qualifying post subject to the condition of his undergoing a probation therein the full pension admissible should not be granted as a matter of course, when such an officer has been reverted within the three years preceding retirement or has retired before confirmation. Cases in which a reduction of pension is recommended on the ground that the service of the officer during probation was not satisfactory should be submitted to Government with the pension papers for

*Refers to States specified in Part B of the First Schedule to the Constitution of India.

orders. Cases where full pension admissible is considered justifiable need not be so submitted.

[G.O. No. 234, Finance (Pension), dated 6th July 1923, in A.-G.'s Case Pen. Mis No 3-19 of 1922-23.]

[G O. No. 584, Finance (Pension), dated 1st October 1932, in A.-G.'s Case Pen. Mis No. 3-7 of 1932-33.]

12. The Comptroller and Auditor-General has decided with the concurrence of the Government of India that in the case of an officer who has less than three years' service in the Civil department and who has been allowed to count Military service for Civil pension under Article 356, the average emoluments for pension should be calculated on the basis of pay drawn by him in the Civil and Military departments during the last three years of his service and the break between the Military service and the Civil service should be disregarded and an equal period before the three years should be included on the analogy of rule 2 under this article

(C.C.A.'s letter No. 43-A/252-31, dated 8/10th February 1932, A.-G.'s Case Pen. Ms. No. 3-26 of 1931-32.)

13. The Comptroller and Auditor-General with the concurrence of the Government of India has decided that in cases where leave with allowances occurs during the last 72 months' service of a piece-worker employed in a Government Press, the principle of rule 1 under this article should be applied in calculating his average emoluments for pension and his wages or earnings at full class-rates may be taken into account for the period of leave on average and half average pay for this purpose.

This decision takes effect from 10th June 1931.

(Letter No. 331-Endt.-263/30, dated 19th June 1931, from the Assistant Director of Commercial Audit, No. 2 Circle, Calcutta, forwarding a copy of his letter to the Comptroller, Assam; A.-G.'s Case Pen. Ms. No. 3-8 of 1931-32.)

14. It has been decided by the Comptroller and Auditor-General with the concurrence of the Government of India that, in the case of a Government servant on leave during the last three years of his service, the special pay of the nature of duty allowance or deputation (duty) allowance shall count towards pension in respect of all leave with allowances whether on average pay or otherwise, provided there is no doubt that the officer would have drawn the special pay had he remained on duty and the head of the department makes a declaration to this effect.

The declaration referred to should not, however, be furnished in a routine way regardless of the age and physical fitness of the Government servant (proceeding on leave) to continue to serve in unhealthy tracts. As a matter of general principle, the Government wish to discourage the posting to or retention in special localities and projects of officers who are within three years of their retirement. Heads of departments should secure compliance with the above principle by issuing suitable instructions to the appointing authorities under their control. In exceptional cases, however, as in special projects where the services of a particular officer may be indispensable, heads of departments can, at their discretion, post or retain such men if they consider it necessary in public

interest. Comparatively low-paid men who have put in the major part of their service in unhealthy localities and who would not ordinarily be transferred elsewhere need not be disturbed within three years of their retirement merely for the purpose of complying with the above principle.

(G.O. No 195, Finance, dated 1st March 1949.)

(G.O. No. 325, Finance, dated 17th March 1950.)

NOTE 1.—In the case of members of the ministerial and other non-gazetted staff, the declaration referred to in the above ruling may be issued by the pension sanctioning authority concerned.

(G.O. Ms. No. 191, Finance, dated 12-3-1956.)

NOTE 2.—In the case of officers who worked under heads of departments other than the department in which they are permanently borne, e g., Deputy Collectors working under heads of departments other than the Board of Revenue, the declaration should be issued by the head of the department under whom they were actually working.

[Finance Memorandum No. 23498-Pen.-2, dated 13th July 1940; A.-.G.'s P.V. File Rules and Orders of 1940-41.]

15. In the case of a Press employee borne on the permanent piece-work establishment and transferred to a temporary salaried establishment on fixed pay before retirement the Government of India ordered that the pension should be calculated on his average earnings in the piece-work establishment, leaving out the period during which he was on fixed pay in the temporary establishment.

(Government of India, Finance Department, letter No. 640-C.S R., dated 1st June 1921.)

16. In the case of a Government servant whose pay had been reduced for a specific period as a penalty and who proceeded on leave during this period and retired after the expiry of the leave and after termination of the period of reduction, it has been decided that a penalty intended to have a temporary effect ought not to be allowed to influence the average emoluments for pension during the period subsequent to the termination of that penalty, inasmuch as the words " increase in pay " in rule 1 under this article do not necessarily include restoration to a rate of pay as a result of the termination of a period of punishment.

[G.O. No. 476, Finance (Pension), dated 4th June 1936; A.-.G.'s Case P.V. No. 6-12 of 1936-37 and A.-.G.'s Case Pen. No. E-1 of 1931-32.]

17. In the case of a Government servant whose pay is reduced for a specific period and who goes on leave after having been on duty for a portion of the period and retires without returning to duty, the reduced pay should be taken into account only for such portion of the leave as together with the period already spent on duty amounts to the period of reduction ordered. For the balance of leave, if any, the unreduced pay should be taken into account. If, however, he returns to duty and serves for the period required to complete the period of reduction, the unreduced pay should be taken into account for the entire leave.

[Finance U.O. Note No. 11718-Pen.-2, dated the 27th April 1940; A.-.G.'s Case P.V. No. 6-47 of 1939-40.]

18. In the case of an officer on leave during the last three years of his service no lien in the post to which special pay is attached is necessary within the meaning of this article to count that special pay for pension.

(Comptroller and Auditor-General's letter No. 1759-N.G.E./33, dated 20th November 1933; copy filed in A.-.G.'s Case Pen. Ms. No. 3-15 of 1932-33.)

19. In the case of an officer who takes leave in continuation of foreign service preparatory to retirement and who is definitely reverted from the beginning of the leave, the increase in pay in British Service accruing during foreign service should be held to have been actually drawn by him and should, therefore, be taken into account in the calculation of average emoluments for the period of leave Rules 1 and 3 under this article that increase in pay not actually drawn should not be reckoned in the calculation do not apply to this case.

(Auditor-General's decision, dated 7th August 1934, confirmed in the Comptroller and Auditor-General's letter No 160-A-238/34 dated 7th December 1934; A.-G.'s Case P.V. No. 6-15 of 1934-35]

20. *Basis for calculation of pension in respect of seasonal establishments governed by Article* 369.—For purposes of calculation of average emoluments for pension in respect of seasonal establishments, the whole of the last three years of service including the periods which count but during which no emoluments were drawn should enter into calculation and not merely the periods during which emoluments were drawn. The emoluments that should be taken into account should, under rule 3 below Article 487, be those actually drawn during that period.

[Paragraph 27 (vi), Section III of the Manual of Audit Instructions; A.-.G 's P.V Rules and Orders 1-42-45]

487-A. In the case of a Government servant who quits service on superannuation, retiring, invalid or compensation pension, or invalid or compensation gratuity and who during the period 3rd September 1939 to 31st December 1947, holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity, where such post carries a rate of pay higher than his substantive pay, but the increase over substantive pay does not count for pension or gratuity under Article 486 (*h*), Civil Service Regulations—

(*i*) his average emoluments for pension as calculated with reference to Articles 486 and 487 of the Civil Service Regulations shall be increased—

either (*a*) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the dates 3rd September 1939 and 31st December 1947;

or (*b*) by thirty-three and one-third per cent; whichever is less.

(ii) if he is eligible only for a gratuity calculated with reference to the provisions of Article 474 (*a*) of the Civil

Service Regulations, the amount of gratuity shall be increased—

either (*a*) by one-half of the difference between the amount so calculated and that which would have been taken into account if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the dates 3rd September 1939 and 31st December 1947;

or (*b*) by thirty-three and one-third per cent; whichever is less;

(iii) during periods of leave with allowances taken by a Government servant while holding a temporary post substantively or while holding a permanent post in a provisionally substantive capacity, the emoluments which he would have drawn had he not proceeded on leave will be taken into account for the purpose of sub-paragraphs (i) and (ii) above. In all other cases, the concession will not be applicable during the periods of leave.

In the case, however, of an officer governed by the Civil Service Regulations who held or will hold a lien, under Article 210, Civil Service Regulations, during the period of privilege leave on a post, permanent or temporary, in which he was officiating, the emoluments which he would have drawn had he not gone on such leave will be taken into account for this purpose.

(iv) The pension of Government servants who have already retired after the 3rd September 1939, shall be revised in accordance with the above formula, but the increased pension shall have effect only from 24th March 1947, the date of promulgation of this amendment.

(v) Nothing contained in the formula set out above shall have the effect of modifying any of the existing rules which govern the counting of service qualifying for pension or the several maxima of pensions prescribed in the rules nor shall it affect any of the existing rules or orders relating to the special pay attached to temporary or permanent posts counting as emoluments for pension.

NOTE.—The concession admissible under this article, will apply to a permanent Government servant who served in the Naval, Military or Air Force during the period 3rd September 1939 to 31st December 1947, and for the purpose of this article such Government servant shall, if he was actually in receipt of military rates of pay during the said period* be deemed to have held an analogous post in the Civil Department on a rate of pay equal to the pay of his appointment/rank (including paid acting/temporary rank) including Indian Army Allowance, corps pay, additional pay, charge pay, parachute pay and specialist pay.

Rulings.

1. It has been decided with the concurrence of the Comptroller and Auditor-General that the provisions of this article are applicable to Government servants officiating in leave vacancies as well As a matter of fact this rule was meant to cover such cases which did not come within the scope of Article 486 (*h*).

(Government of India, M.F., U O. No. 2542-E.V./48, dated 7th May 1948.)

2. The Government of India have held with the concurrence of the Comptroller and Auditor-General that the pension originally sanctioned plus the increase under the Article should be treated as one pension for all purposes including commutation and that there would be no objection to allowing persons, who have already commuted a portion of their pension, commutation to the extent permissible under the rules. But this will not do away with the need for fresh medical examination, etc., required under the Civil Pensions (Commutation) Rules. In other words, this will be treated as a commutation for a further sum within the limits laid down in the rules.

(Government of India, M.F , U O No. 2439-E.V./48, dated 21st April 1948.)

3. It has been held that under Article 487-A, when the substantive holder of a temporary post is appointed to officiate in a higher post and he proceeds on leave, the emoluments for pension during leave of which he availed himself while officiating in the higher post will be calculated with reference to his substantive pay in respect of his permanent post and not in respect of his temporary post.

(Government of India, M.F., U O. No. 8051-E.V./49, dated 29th November 1949.)

4. Persons appointed under rule 10 (*a*) of the General Rules for State and Subordinate Services or rule 3-A of the Andhra Pradesh Revenue Subordinate Service Rules or under similar provisions cannot be deemed to have effectively officiated in the posts and hence they cannot have the benefit of the provisions of this article.

5. The benefit of Article 487-A is admissible to persons holding temporary posts on higher rates of pay in the Civil Supplies or any other temporary department provided such appointments have not been made under emergency provisions. The fact that the posts in such departments are temporary and that the officiating posts do not correspond to any post in the parent department cannot deprive the holders of the posts the benefit of this article.

6. In the case of an officer who is officiating in a higher post under emergency provisions and who, but for such promotion could have officiated in another temporary post in a regular capacity the pay which he would have drawn in the latter post shall be taken into account for the purpose of calculation of average emoluments under Article 487-A.

487-B. In the case of a Government servant who quits service on superannuation, retiring, invalid or compensation pension or invalid or compensation gratuity and who during the period 1st January 1948 to 31st December 1957

holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity, where such post carries a rate of pay higher than his substantive pay, but the increase over substantive pay does not count for pension or gratuity under Article 486 (*h*)—

(i) his average emoluments for pension as calculated with reference to Articles 486, 487 and 487-A shall be increased either—

(*a*) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the 1st January 1948 and the 31st December 1957 : or

(*b*) by thirty-three and one-third per cent, whichever is less.

(ii) if he is eligible only for a gratuity calculated with reference to the provisions of Article 474 (*a*), the amount of gratuity shall be increased either—

(*a*) by one-half of the difference between the amount so calculated and that which would have been taken into account if such post or posts were made permanent and he had held them substantively for the period of service rendered in the higher post or posts between the 1st January 1948 and the 31st December 1957: or

(*b*) by thirty-three and one-third per cent, whichever is less, provided that—

(*a*) the Government servant concerned had held the higher post during two complete years immediately before retirement either in a substantive, officiating or temporary capacity or a combination of these and had actually drawn the higher pay during the period:

(*b*) he had not been appointed in the higher post under the provisions of rule 10 (*a*) of the General Rules for the State and Subordinate Services or rule 3-A of the Andhra Pradesh Revenue Subordinate Service Rules or under other similar provisions:

(*c*) during periods of leave with allowances taken by a Government servant while holding a permanent post in a provisionally substantive capacity, the emoluments

which he would have drawn had he not proceeded on leave will be taken into account, and in other cases the concession will not be applicable during the periods of leave ;

(*d*) in the case, however, of an officer governed by the Civil Service Regulations who held or will hold a lien under Article 210 during the period of privilege leave on a post, permanent or temporary, in which he was officiating, the emoluments which he would have drawn had he not gone on such leave will be taken into account for this purpose ; and

(*e*) nothing contained in this Article shall have the effect of modifying any of the existing rules which govern the counting of service qualifying for pension or the several maxima of pensions prescribed in the regulations nor shall it affect any of the existing rules or orders relating to the special pay attached to temporary or permanent posts counting as emoluments for pension.

NOTE.—(1) This article will apply only to officers under the rule-making control of this Government. It will not apply to Local Fund Employees governed by Article 802 for the purpose of pension.

(2) The pension of a Government servant who has already retired after the 1st January 1948 shall be revised in accordance with this article, but the increased pension shall have effect only from the 1st April 1951.

(3) In the case of a Government servant who, while holding a higher post during the last three years of his service before retirement, is confirmed in the same higher post or in some other higher or equal post, the period after confirmation shall be included in calculating the period of two years mentioned in proviso (*a*) above. The primary condition for counting officiating pay drawn in respect of a post under this Article shall be whether he held the post in a substantive, officiating or other capacities or would have held the post but for his promotion or confirmation in a higher or equal post, for not less than two years before retirement.

(G.O. Ms. No. 96, Finance dated 9th February, 1956.)

(4) The Article will apply to a Government servant who may hold one or more higher posts either in a substantive, officiating or temporary capacity or a combination of these, during the last two years before retirement.

(G.O. Ms. No. 96, Finance dated 9th February, 1956.)

(5) In the case of a Government servant who is officiating in a higher post under the emergency provisions [*see* proviso (*b*) above] and who, but for such promotion could have officiated in another temporary post in a regular capacity, the pay which he would have drawn in the latter post shall be taken into account for the purpose of calculation of average emoluments under this article.

(6) The benefit of this article is admissible to persons holding temporary posts on higher rates of pay in the Civil Supplies or any other temporary department, if such appointments have not been made under emergency provisions.

(7) This article will apply to Government servants who are retired compulsorily for inefficiency or as a measure of punishment.

(8) All kinds of leave taken by a Government servant during the last two years including leave under Fundamental Rule 86 (*a*) shall be counted in reckoning the two-year period mentioned in proviso (*a*) above provided that the Head of the Department or office concerned certifies that he would have continued to hold the higher post but for his going on leave.

Rulings.

1. The officiating pay drawn by a Government servant in a post under the Government of India including the Defence Department or another State Government shall not be taken into account in the calculation of average emoluments with reference to Article 487-B.

(Memo No. 5765/54, Finance, dated 9th March 1954.)

2. The benefit of Article 487-B will be admissible to a Government servant who is transferred on foreign service or deputed to service under another Government in respect of any higher temporary or officiating post which he would have held had he not been transferred on foreign service or been sent on deputation, provided that the Government servant concerned has received proforma promotion under Fundamental Rule 113 or under the second proviso to Fundamental Rule 30 (1) as the case may be.

3. In the case of a Government servant who, during the last three years of his service, held one or more higher posts either in a substantive, officiating or temporary capacity or a combination of these, the officiating pay he would have drawn in the lower post or posts but for his promotion to the higher post or posts can be taken into account (in the calculation of average emoluments) during the period he held the higher post or posts with reference to note (4) under the Article, provided he would have held the lower posts for a period of not less than two years prior to his retirement, but the officiating pay drawn in the higher or highest post itself cannot be taken into account unless the period for which he held the higher or highest post is two years or more.

(G.O. Ms. No. 96, Finance, dated 9th February, 1956.)

4. Personal pay granted for loss of officiating pay which does not conform to the nature of duty allowance or deputation (duty) allowance and which does not, therefore, count for pension under Article 486 (i), or 486 (j), will be treated as 'Officiating pay' or 'pay drawn in a temporary post' for the purpose of the benefits in this Article. Since this personal pay is given, not for holding a higher post in an officiating capacity, but merely for protecting the loss of officiating pay in respect of a particular post held before the Government servants' being brought on to a new scale, or in the case of employees of the now defunct princely States on their absorption in the State cadre, none of the conditions prescribed in this Article for the eligibility of the concession therein, will be enforced before personal pay granted to protect the loss in officiating pay is allowed to so count for pension.

(G.O. Ms. No. 2, Finance, dated 2nd January, 1956.)

5. In the case of a Government Servant who while on leave pending retirement during the last 3 years of his Service, is confirmed in the higher post which he held in an officiating or temporary capacity, after the first 4 months of such leave, the concession contemplated in Article 487-B may be allowed, only to the extent and subject to the conditions imposed therein.

(G.O. Ms. No. 612, Finance, dated 23rd August 1956.)

6. The concession contemplated in Article 487-B may be allowed even in cases where a Government servant during the two complete years immediately before retirement gets an increment raising his substantive pay equal to or higher than his officiating pay in the higher post. This will take effect from 1st April 1951.

(G O. Ms No 570, Finance, dated 26th July, 1957 and Memorandum No 131800/57, dated 30-1-1958)

ALLOWANCES WHICH DO NOT COUNT.

488. An officer cannot count the following allowances:—

(1) Local allowances and deputation (local) allowances;

(2) Messing allowances, Working allowances and Provision allowances to officers in the Marine Department;

(3) House-rent allowance, or estimated value of free quarters;

(4) Tour and other allowances (to officers who accompany the Viceroy or any Government);

(5) Compensation for dearness of provisions.

NET EMOLUMENTS TAKEN.

489. Any part of an officer's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded.

The following are examples of the operation of this article :—

(1) When an officer's pay is intended partly to cover the expense of his providing or keeping a horse his pay must be taken only at what it would be if it was not intended to cover such expense. When a water-carrier's pay includes provision for a bullock, his pay must be taken at what it would be if he were not required to keep a bullock.

(2) When a consolidated pay specially includes tentage, travelling allowance, or house allowance these must be deducted.

(3) The commission paid to a Thugyi in Lower Burma goes in part to pay expenses incidental to his office. In calculating "Emoluments" or "Average Emoluments" for pension purposes $2\frac{1}{2}$ per cent, on a Thugyi's commission if the average commission of the last three years of his service exceeds Rs. 600 a year, is deducted, as representing the expenses of his office; and pension is computed upon

the remainder. No deduction is made if the average commission of a Thugyi for the last three years of service does not exceed Rs. 600 a year; in such cases the pension is computed upon the total amount of such average commission.

(4) When an officer's pay is fixed at two rates, a smaller rate during stationary duty and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation.

490. When service on temporary duty counts for pension under Article 376, the pay of the permanent appointment held by the officer, and not that drawn in respect of the temporary duty, is taken into consideration in determining the amount of pension, unless the officer draws a deputation (duty) allowance under the provisions of Article 76-C or Article 81.

NOTE.—If an officer, who is under Article 381 (*b*) entitled to count certain temporary service for pension held no permanent post during a portion of the last three years of his service, the average emoluments for the period during which he held no permanent post should be calculated on the pay of the post in which he was confirmed or the pay actually received whichever is less.

Rulings.

1. This Article applies even when the Government servants's lien on his substantive appointment is suspended under Fundamental Rule 13.

[Comptroller and Auditor-General's letter No. 565/Code/1001-E/24, dated 4th July 1925 and G.O. Ms. No. 378, Finance (Pension), dated 29th September 1925, in A G.'s Case Pen. Mis. No. 3-8 of 1925-26.]

2. The Government have framed the following rule which shall be deemed to have been made and come into force on and from 15th August 1931:—

Rule.

Notwithstanding anything contained in the Civil Service Regulations as applicable to State, Specialist or Subordinate Services, the pay drawn by an officer in permanent service in respect of any post—

(i) which was, or may become, substantively vacant; and

(ii) which was, or may be made temporary by the operation of sub-clause (b) of clause (1) of the rule published with Public (Services) Department Notification No. 56, dated 8th April 1932, at page 691 of Part I of the *Fort St. George Gazette*, dated 19th April 1932 [G.O. No. 542, Public (Services), dated 8th April 1932], shall, during the period such post remained or may remain temporary or any portion of such period, as the case may be, be taken into account in calculating the average emoluments of such officer for the purpose of reckoning his pension.

Explanation.—For the purpose of this rule, an officer is said to be in permanent service if he holds substantively a permanent post in the service of Government.

[G.O. No. 811, Public (Services), dated 4th August 1934; A.G.'s Case Pen. Mis. No. 3-28 of 1931-34.]

NOTE.—Government have ordered that only the officiating pay drawn by persons appointed directly to posts which became temporary under the orders in G.O. No 542, Public (Services), dated 8th April 1932, will count for average emoluments for pension and not that drawn by persons coming in the chain of arrangements.

[Finance Memorandum No. 2886-Pen.-3, dated 25th March 1935; A.G.'s Case Pen Mis. No. 3-28 of 1931-34.]

3. The provisions of the Note under this article may be applied to the case of an officer, who is entitled to count certain temporary service for pension under Article 370 or certain temporary and/or officiating service for pension under Article 371-B, and who held no permanent post during a portion of the last three years of his service.

[U.O. Note No. 18127-Pension-3, dated the 8th May 1944; A.G.'s Case P.V. Rules and Orders I of 1944-45 and G.O. Ms. No. 945, Finance, dated 22nd June 1953.]

491. The preceding article does not apply to an officer deputed temporarily to service in the Income-tax Department, or to an officer deputed on abolition of his appointment to special duty or to an officer who, when his appointment was abolished, was on special duty. In these cases the full allowances are counted.

COMBINATION OF APPOINTMENTS.

492. If an officer has held more than one appointment in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Articles 474 to 480 and 481.

493. An officer is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

Chapter XX.—Special Rules for the Police.

Section I—Extent of application.

GOVERNMENT POLICE.

494. The rules in this Chapter apply to—

(1) Members of Police Forces constituted under Acts XIII of 1856, XXIV of 1859, and V of 1861 of the Governor-General of India in Council, Act IV of 1866 of the Lieutenant-Governor of Bengal in Council, and Acts VII of 1867 and I of 1872 of the Governor of Bombay in Council.

(2) The Trans-Indus Police Force, which was not organized under Act V of 1861 until the 4th August 1873, and never possessed a Superannuation Fund.

(3) Members of the Salt Preventive Force employed on the Northern Frontier Line, at the Runn Salt Works in the Bombay Presidency and on the Salt Preventive Lines on the Goa and Daman frontiers, though the forces to which they belong are not constituted under any Act of the Legislature, and never possessed a Superannuation Fund.

(4) Members of the Police force serving in the Baluchistan Agency and sowars of the Somali Coast Mounted Police Force, although the Forces are not constituted under any Act of Legislature.

MUNICIPAL POLICE.

495. (*a*) If the Police of a town are wholly supported by, and under the control of, a municipality, the Government has no concern with their pensions.

(*b*) But if the Government, being interested in the efficiency of a Police Force, paid, wholly or partly, by a municipality, the Calcutta Port Trust, or from Cantonment Funds, or from the General Revenues subsidised by a contribution from a municipality, the Calcutta Port Trust, or from Cantonment Funds, undertakes the organization and control of the force, as connected with and auxiliary to the Civil Constabulary, service in such a force qualifies. The contributions of municipalities, the Calcutta Port Trust, or of Cantonment Funds towards the cost of the pensions of such forces are, for the present, undetermined.

496. The Police Force in the Presidency towns of Calcutta, Madras and Bombay, and in the municipalities in Lower Bengal, come under clause (*b*) of the preceding article.

497. *Omitted.*

RAILWAY POLICE.

498. The service of members of the Railway Police, appointed and controlled by Government, qualifies, though they may be either wholly or partly paid by the Railway authorities.

Section II—Qualifying Service.

499. Service in any of the Police Forces mentioned in Article 494, after the establishment of a Superannuation Fund in the Force, qualifies.

NOTE 1.—[The Superannuation Funds were funds to which, with the exception of certain soldiers of the Sikh Darbar and members of the Oudh Military Police, Police officers whose pay did not exceed Rs. 20 were obliged to contribute. In return for these contributions, they became entitled to pensions according to the rules of the several funds.

Officers whose pay exceeded Rs. 20 did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869 the Superannuation Funds established under Acts XXIV of 1859 and V of 1861 of the Governor-General of India in Council, and VII of 1867 of the Governor of Bombay in Council, were abolished. The Superannuation Fund, which had been established for the Madras Town Police under Act XIII of 1856, having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859 of the Governor-General in Council, was abolished with the latter.

The Fund established under Act I of 1872 of the Governor of Bombay in Council ceased to exist after the 31st March 1886, as also the Funds established under Acts II and IV of 1866 and Act I of 1890 of the Lieutenant-Governor of Bengal in Council, from the 27th December 1905.

In the Police Forces of which the Superannuation Funds were abolished the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less subscriptions to the funds, the Government undertaking the liabilities of the Funds.]

NOTE 2.—[I am directed to acknowledge the receipt of your letter No. 1860, dated 27th April 1876, enquiring whether Armourers, Bellows-boys, Bhistis, and Muchis who have subscribed to the Police Superannuation Fund should be allowed pensions according to the special rules for the Police, or according to the scale prescribed in Article 481 of these Regulations; and whether, in the latter case, the subscriptions recovered from them on account of the Police Superannuation Fund should not be refunded.

"In reply, I am to say that, as a general rule, the subscriptions recovered from the employees in question should be refunded to them with interest, and their claims to pensions will then be dealt with in accordance with the ordinary rules for inferior servants. In the case, however, of men who have served for not less than ten years the option should be allowed to them either of receiving back their subscriptions and coming under the ordinary pensions rules, or of continuing their subscriptions and eventually receiving pensions under the special rules for the Police."]—(Finance Department to Bombay, No. 1051-D, dated 23rd June 1876.)

500. Men of the Police Force of the Cities of Bombay and Calcutta who have served the full time for pension in the Force and who joined the Force before the 1st April 1886 and 27th December 1905, the respective dates of the abolition of the Superannuation Funds, are, on being

invalided, admitted to the benefits of the Superannuation Fund on paying up their subscriptions for the full period of their service. Under this rule the service of an officer in the Bombay and Calcutta City Police before the establishment of the Superannuation Fund counts towards pension under the rules of the funds if he pays up his subscriptions for the whole period of his service in the Police Force.

This privilege applies only to Police officers whose pensions are determined according to the rules of the Superannuation Fund of the Bombay or Calcutta City Police, and not to any officer whose pension is granted in accordance with the rules prescribed in Chapters XVIII and XIX for the calculation of pensions for superior service.

SERVICE BEFORE ENLISTMENT.

501. In the following cases service rendered before enlistment in the present Police Constabulary qualifies:—

(*a*) Service in superior grades in any other department qualifies.

(*b*) Service in the Bombay Excise (Abkari) Police, before that force was amalgamated with the Bombay District Police, qualifies.

(*c*) Native Commissioned officers and men of the Army who volunteer for transfer to the levies and Military Police raised in Burma, in consequence of the annexation of Upper Burma, are allowed to count their Army service for pension under the rules applicable to the Police in that Province.

(*d*) A subadar or jamadar of the Bengal or Assam Military Police recruited from the Army or from a local corps, and Native Officers and men of the Dera Ghazi Khan Border Military Police recruited from the Army count service as follows:—

(i) A man recruited from the Army will be eligible for pension under the civil rules (counting both his past Military and Police service) on completion of ten years' service in the Military Police. If he retires with less than ten years' service in the Police, he will be granted pension in the Military scale according to his rank for the whole period of his service including service in the Police.

(ii) A man recruited from a local corps may count half his service in such corps towards Civil Pension.

NOTE.—(Pensions granted to men who count Army Service under the foregoing rules are, if their Military service was sufficient to entitle them to pension if discharged without fault, a Military charge; otherwise they are a Civil charge.)

Rulings.

1. In the case of constables of the Burma and Assam Military Police who join the Police Department of another State Government, without break in service, the latter are not competent to order that the past service in Assam and Burma should not count for pension if that service is qualifying service under the pension rules of the Assam or Burma Government, as such an order will have a deliberalising effect on the conditions of service of the persons concerned and will run counter to the provisions in section 241 (3) of the Government of India Act, 1935. The liability for the past service will in such cases be borne by the Assam or Burma Government, as the case may be, and if the other State Government, consider that they should not be called upon to bear the extra cost in their own share that will be involved by allowing the past service to count, it is open to them to arrive at an agreement with the former Governments This consideration should not, however, affect the condition of service of the person concerned.

2. In the case of such constables who join the Police Department of the other State Government after a break in service, Article 501, can be applied only through Article 422 *ibid.* Under the latter article, it is entirely a matter for discretion of the competent authority to condone or not to condone the break. If it condones, the intention behind the condonation will be to allow the past service in Assam or Burma to count for pension either in whole or in part, if that service is qualifying under the rules of the State Government concerned, the question of apportionment of pensionary charges being a matter of mutual agreement—standing or special arrangement. If the competent authority does not condone the break, the past service will not count.

(Comptroller and Auditor-General's letter No. T. 998-A/123/37, dated 24th August 1937; A.G.'s Case P V. 1-1 of 1937-38.)

502. *Cancelled.*

Section III—Amount of Pension.

503. The pension admissible to Police constables will be determined according to the rules contained in Chapters XVII to XIX for the calculation of pensions for superior service; except that their service in the Police force after the age of 18 years qualifies.

NOTE.—(Policemen in the lower ranks of the Madras City Police on salaries not exceeding Rs. 20 a month, who enlisted after the 19th July 1871, may retire on pension without medical certificate after twenty-five years' service.)

Rulings.

1. The Police Officers whose rank at the time of retirement is that of a constable may be permitted to count for pension service after the age of 18 years The constables also who were in service before 1st March 1921, the date of revision of pay of the constabulary, and retired as third grade head constables will be allowed the privilege mentioned above as a personal concession. This takes effect from 9th March 1926.

[G O. Ms No 545, Finance Pension,, dated 1st November 1926, in A G 's Case Pen Mis 3-9 of 1926-27.]

Head constables who were in service prior to 1st March 1921 and who retire after the introduction of the revised scales in 1947 shall be permitted to count for pension service after the age of 18 years irrespective of their grades prior to 1st January 1947 or their pay in the revised time-scale after 1st January 1947

[G O. Ms. No 135, Finance (Pension), dated 23rd December 1948; A.G.'s Case P.V 3-7 of 1948-49.]

2 Police constables, who rendered military service in the first World War and were recruited to the Madras City Police after 30th December 1921 may be permitted to retire without medical certificate after 25 years' service.

[G.O. No. 207, Finance (Pension), dated 6th March 1946; A.G.'s R and O. File of 1945-46.]

Head constables enlisted prior to 30th December 1921 and those with military service in the first World War, recruited to the Madras City Police after 30th December 1921 are permitted to retire without medical certificate after 25 years'. qualifying service irrespective of their (*a*) grades prior to 1st January 1947 and (*b*) pay in the revised time-scale after 1st January 1947.

[G.O. No. 207, Finance (Pension), dated 6th March 1946 and G.O. Ms. No. 1129, Finance (Pension), dated 6th December 1948; A G.'s Case P.V. 3-7 of 1948-49.]

NOTE 1.—Police constables who were entertained in a temporary capacity in the Madras City Police prior to 30th December 1921 will also be eligible to the concession of voluntary retirement after 25 years' service without the production of medical certificate.

[G.O. No. 224, Finance (Pension), dated 12th March 1946, A.G 's P V R. and O. File of 1946-47.]

NOTE 2.—For the purpose of calculation of 25 years required to qualify for voluntary retirement of members of the Madras City Police, military service counting for civil pension under Article 356 or 357-A, may be included.

(G.O. No. 460, Finance, dated 4th September 1944.)

3. The note to Article 503 should be interpreted to mean that a service of 25 years exclusively in the Madras City Police is required to qualify for voluntary retirement without the production of a medical certificate.

[G.O. No. 891, Finance (Pension), dated 13th November 1935, A.G.'s Case P.V. 6-11 of 1935-36.]

4. By the introduction of the revised Article in G.O. No. 293, Finance, dated 26th April 1947, it is not the intention to take away the rights and privileges already enjoyed by members of the Police Force

in this State. The note below the old article and the rulings in paragraphs 2 and 3 above regarding the concession of retirement without medical certificate after a service of 25 years in the case of constables of the Madras City Police will continue to apply.

[G.O. No. 293, Finance (Pension), dated 26th April 1947.]

504-505. *Omitted.*

506. The pension admissible to an officer other than a police constable, is determined by the rules which apply to ordinary service, except that service rendered after the completion of twenty years of age, and declared by this chapter to be qualifying, is treated as superior service.

1. If the officer was promoted from the rank of police constable and loses by promotion any benefit as pension which he would have enjoyed had he retired as a police constable, his pension may be regulated as if he had not received the promotion.

2. Men of the Bombay City Police count as superior their service in the force in inferior grades before the establishment of the Superannuation Fund.

Ruling.

Policemen in the Civil and Military Station Police Force who retire on or after the date of these orders (13th April 1946) and whose rank at the time of retirement is that of a constable shall count for pension, service after the age of 18 years; this privilege shall be extended as a personal concession to constables in service before 1st March 1921 who retire as third grade head constables.

[Memorandum No. F. 22 (10)/F/45, dated 13th April 1946, from the Secretary to His Excellency the Crown Representative to the Hon'ble the Resident in Mysore communicated with Crown Finance Officer's No. F. 8 (4)/46, dated 17th April 1946; A.G.'s P.V. Case 1-1 of 1946-47.]

PREVIOUS INFERIOR SERVICE.

507. If part of an officer's continuous service qualifies for pension under the general rules, but does not qualify under the rules in this chapter, he may elect to receive, in lieu of the pension admissible under this chapter such pension as is admissible to him under Articles 398 and 481 to 483 for the whole of his service, both last grade and superior (*see* Article 460).

508. *Cancelled.*

CALCULATION OF PENSION

509. Except in the case of officers of the Town Police of Calcutta, and of officers of the Town Police of Bombay who were in the force before the 1st April 1886 pension is to be calculated upon the net pay, i.e., the pay actually received by the officer, and not upon the gross pay, i.e., the pay from which were deducted the subscriptions to the Superannuation Funds (*see* concluding sentence of Note 1 to Article

499). But this rule shall not, unless he be either promoted to higher pay or degraded for misconduct to lower pay, be applied to any officer who, on the 19th July 1871, was entitled by the rules of the Superannuation Fund, to have his pension calculated on his gross pay.

Chapter XXI—Re-employment of Pensioners.

Section I—General.

509-A. No officer, civil or military, may retire with the view of being re-employed, and drawing pension in addition to pay, whether in the general service or in the service of any Local Fund.

510. When a person who was formerly in the civil or military employment of any Government in India obtains re-employment, whether temporarily or permanently, in Government service or in the service of a Local Fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pension or salary as required by the rules of this chapter and shall communicate a copy of the order to the Audit Officer.

NOTE.—[The principle of this article applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, i.e. it shall be inclusive of any amount that may have been commuted (vide Articles 524-B and 524-C.)]

Rulings.

1. The rules do apply to copyists' establishments attached to Courts, but not to an establishment paid from the Suitors' fund.

2. The rules regarding re-employment of pensioners do not apply to men employed on work as coolies and paid daily hire, but do apply to men in employment on monthly rates of pay on a temporary or permanent establishment—vide also note 1 under Article 514.

(G O. No. 444, Pension, dated 28th April 1890.)

RE-EMPLOYMENT OF A PENSIONER AS A MINISTER.

3. The question whether the pension of a person appointed as a Minister should or should not remain in abeyance, should be decided with reference to the rules in the Constitution of India and not with reference to those in the Civil Service Regulations. So long as no Act is passed by the State Legislature determining of salaries of Ministers

or so long as such an Act, if passed, does not provide specifically for the non-drawal of pension in addition to their salaries, the Ministers who are also Government pensioners are entitled to draw their pensons in addition to their salaries fixed by the Governor or by the Legislature as the case may be.

(Comptroller and Auditor-General's Endorsement No. 697-Reforms/56-58, dated 8th June 1937; A G 's Case P A. General 9-12 of 1937-38.)

510-A. The attention of every officer who is re-employed should be specially called to the provisions of this chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, by the Audit Officer ; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the regulations contained in this chapter.

510-B. Notwithstanding anything contained in the rules in this chapter, a wound or other extraordinary pension sanctioned under Chapter XXXVIII of these Regulations and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

NOTE.—(Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner. The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of fifty naye paise and over shall be taken as a whole rupee, amounts of less than fifty naye paise being ignored. The disability portion of the pension will be the balance.)

Section II—Civil Pensioner.

RE-EMPLOYMENT AFTER COMPENSATION GRATUITY.

511. An officer who has obtained a compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

Rulings.

(Civil Service Regulations 511—519.).

1. A compassionate allowance is, to all intents and purposes, a pension, and the rules regarding the re-employment of pensioners are

therefore equally applicable to the case of persons in receipt of compassionate allowance.

(Government of India, Finance Department, No 104, dated 6th January 1883; Government of India, Finance Department, No. 1063, dated 26th February 1883.)

2. If a pensioner who retired on compensation or invalid pension is re-employed in a post paid from the Consolidated Fund of India the sum total of the pension and the initial pay on re-employment should not exceed the substantive pay at the time of discharge—vide Articles 514 and 519.

NOTE.—This restriction does not apply to persons in receipt of Political and Revenue Pensions, nor does it apply to a superannuation or retiring pensioner. In this case, he can draw both pension and pay without the restriction as to total emoluments with the sanction of the competent authority under Articles 520 and 521.

(G.O. No. 523, Finance, dated 24th June 1918.)

512. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

NOTE.—(The equity of this rule is based upon the consideration that so long as the refund of the gratuity is postponed, the officer avoids the risk and the State loses the possibility of the gratuity lapsing absolutely to the public treasury by the death or dismissal of the officer. A subsequent refund of a gratuity, even with compound interest, does not compensate the State for the loss of this possibility meanwhile.)

513. *Omitted.*

AFTER COMPENSATION PENSION

514. (*a*) *An officer who obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension nor shall the amount of pension so fixed be varied during leave.

* This revised clause applies to officers under the rule-making control of the Secretary of State and takes effect from the 9th June 1937.

In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment, for bona fide temporary duty lasting for not more than a year, the State Government may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

(*a*) * An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of the pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or temporary appointment, for bona fide temporary duty lasting for not more than a year, the State Government or, in cases where the pension does not exceed Rs. 10 a month, the officer who controls the establishment on which the pensioner is to be employed, may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

NOTE 1.—(This rule applies to the re-employment on all establishments paid from the General Revenues, whether paid by fixed salary or by fluctuating monthly allowances; but it does not apply to pensioners employed on work as coolies and paid daily hire.)

NOTE 2.—(In the case of re-employment under a Local Fund, no deduction is made from a compensation pension.)

NOTE 3.—(The Government of India may permit an officer who has obtained a compensation pension and is afterwards re-employed in a permanent or temporary appointment duly sanctioned by competent authority, to draw his full pension in addition to the pay and allowances of the appointment, irrespective of the period of such re-employment.)

NOTE 4.—(The State Government may delegate its power under this Article to Heads of Departments in respect of pensioners whose re-employment they are authorized to order.)

NOTE 5.—(The restrictions in this article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month.)

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* This revised clause applies to officers under the rule-making control of the Governor-General in Council and takes effect from the 9th June 1937.

(b) If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

NOTE.—[An officer counts his previous service under clause (b) if on re-employment his pension remains wholly in abeyance under the proviso to clause (a).]

515. In the case of a section-writer whose service has been allowed to qualify for pension under special orders of the Government of India, or of a press servant (*see* Article 380) re-employed * (the substantive pay at the time of discharge) is taken at the average earnings of the last six months of employment.

516. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by Article 514, of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of the Local Government.

517-518. *Cancelled.*

AFTER INVALID PENSION.

519. There is no bar to the re-employment of an officer who has regained health after obtaining invalid pension, or if an officer is invalided as being incapacitated for employment in a particular branch of the service to his re-employment in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pension, and counting service are the same as in the case of re-employment after compensation pension.

AFTER SUPERANNUATION OR RETIRING PENSION

520. An officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except—on public grounds. Sanction to re-employment or extension of the term of employment may be given as follows:—

(i) By the Government of India in the Administrative Department concerned, when the pensioner served before retirement in a gazetted appointment directly under

* The words within brackets apply to officers under the rule-making control of the Central Government and takes effect from the 9th June 1937.

the Government of India or belonged to an Imperial Service or Imperial Branch of any service, or was an officer who, before retirement, held a post usually filled by officers of Imperial Service or Branch.

(ii) in other cases, by the State Government under whose administration the pensioner is re-employed;

(iii) by any authority subordinate to State Government to whom the State Government may delegate its powers under this article in respect of pensioners re-employed in establishments under the control of such authority.

NOTE.—(A State Government may declare that the restrictions contained in this article shall not apply to any particular local fund or to local funds of any particular class in its territories, or that they shall apply subject to such modifications as it may direct.)

521. The authority competent to fix the pay and allowances of the appointment in which the pensioner is employed shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him.

NOTE 1.—(Where the employment is in service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either—

(i) the authority administering the local fund, is so empowered by the State Government by special or general orders in this behalf; or,

(ii) in any other case, the Local Government or such other authority as the State Government may prescribe.)

NOTE 2.—(The restrictions in this article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month.)

Rulings.

1. Articles 520 and 521 relating to the re-employment of superannuation or retiring pensioners do not apply to posts in hereditary village offices.

(Government of India, No. 327-61-2, dated 8th February 1901, and G.O. No. 462, Pension, dated 24th July 1901.)

2. No retired personnel should be re-employed or continued to be re-employed without specific orders of Government.

[G.O. No. 710, Finance (Pension), dated 22nd September 1947.]

3. The general principle governing the fixation of pay of a re-employed pensioner is to allow him to draw his pension in full and in addition such pay as will bring his total emoluments up to the rate of pay drawn by him on the date of retirement.

In the case, however, of a pensioner re-employed in a lower post, his pay plus pension during re-employment should be limited to the pay drawn by him at the time of retirement or to the maximum of the post in which he is re-employed whichever is less.

[G.O. Ms. No. 3524, Public (Services), dated 9th December 1944 and G.O. Ms. No. 365, P.W., dated 5th February 194[illegible]]

4. A re-employed pensioner may, in addition, be allowed to draw the special pay attached to the post in which he is re-employed.

(G.O. Ms. No. 978, Finance, dated 8th August 1952.)

5. Technical personnel who are re-employed in the Survey department may be allowed the basic initial pay of the posts to which they are appointed *in addition* to their pension.

(G.O. Ms. No. 1135, Finance, dated 12th August 1953.)

6. When a Government servant governed by the Contributory Provident Fund is re-employed in the same or a similar post, his pay will be so fixed that such pay together with the pension equivalent of the Government contribution and interest thereon credited to his provident fund shall not exceed the pay last drawn by him before retirement, the "pension equivalent" being calculated by adopting the table of commuted value of civil pensions. In the case of persons who are borne on the Contributory Provident Fund-*cum*-Pension System, the pay on re-employment will be reduced not only by the pension admissible to them, but also by the pension equivalent of the Government contribution and interest thereon credited to their provident fund in lieu of half the regular pension.

(G O. Ms. No. 1070, Finance, dated 28th August 1952 and Finance Department's Memorandum No. 81593-Pen.-1, dated 13th November 1952.)

7. The Government of India have, in consultation with the Comptroller and Auditor-General of India, decided that all Indian Universities incorporated by Law for the time being in force in India are, for the purpose of Article 520, 'Local Funds' as defined in Article 33.

(Government of India, Department of Education, Health and Lands, letter No. F. 14/41-E, dated the 13th November 1942; G.O. Ms. No. 24, Education, dated 5th January 1943; A.G.'s Case No. T.M. 15-36 of 1942-43.)

The Government have decided on the advice of their law officers that the Universities of the Andhra Pradesh State are not 'Local Funds' within the meaning of Article 520.

(G.O. Ms. No. 197, Education, dated 7th February 1945; A G.'s Case P.A. 9-12 of 1944-45).

8. In the case of a Government servant governed by the Liberalised Pension Rules of the Government of India who is re-employed, the pay on re-employment will be reduced by an amount, equivalent to the pension admissible under the rule/and the 'pension equivalent' of the Death-cum-retirement gratuity admissible to him, the 'pension equivalent' being calculated by adopting table of commuted value of civil pension.

(G.O. Ms. No. 648, Finance, dated 5th October 1955; and G.O. Ms. No. 280, Finance, dated 23rd April 1957.)

9. The Government of India have decided that the proper authority to accord sanction under Article 520, to the re-employment of a retired officer who was previously under the rule-making control of the Secretary of State is now the President of the Republic of India or the State Government concerned according as the post previously held by the officer is under the Union Government or the State Government.

(Government of India, Department of Education, Health and Lands, letter No. F. 14/41-E, dated the 13th November 1942; G.O. Ms. No. 24, Education, dated 5th January 1943; filed in A.G.'s Case No. T.M. 15-36 of 1942-43.)

10. *Re-employment of retired Medical Officers in rural areas.*—A pensioned Assistant Surgeon or Sub-Assistant Surgeon who has undertaken to set up practice in a rural area in accordance with the scheme for medical relief approved in G O No. 1522, Public Health, dated 22nd October 1924 and who receives a subsidy granted for the purpose need not be treated as a "re-employed pensioner" for the purpose of Article 520.

(G.O Ms. No. 1249, Finance, dated 3rd October 1952.)

EXCEPTIONS.

522. The foregoing rules do not apply to pensioners re-employed under the Court of Wards.

523. A pensioner of any class may be employed as an Extra Departmental Agent in the Post Office, or as a Sub-Registrar under the law for the registration of documents remunerated by fees only.

524. *Cancelled.*

EMPLOYMENT ON THE RAILWAY BOARD.

524-A. When an officer who is in receipt of a pension from Indian revenues is appointed President or Member of the Railway Board, he shall be allowed to draw his pension in addition to salary. If, however, an officer still in active service is so appointed, he will be ineligible for admission to pension during his tenure of office on the Board.

IN CASE OF COMMUTATION OF PENSION.

524-B. In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who commutes a portion of his pension after such re-employment, the amount of pension which the pensioner is entitled to draw under the rules in this section shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

In the case of a pensioner whose pension is held wholly in abeyance during such re-employment, and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In the case of a pensioner whose pension is held partly in abeyance during such re-employment, and who during this period commutes, a portion of

his pension in excess of the portion actually drawn, his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation.

524-C. In the case of a pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the uncommuted pension.

Section III—Military Pensioners.

525. Except where it is otherwise expressly provided, the rules in section II of this chapter do not apply to a military officer, departmental officer, warrant or non-commissioned officer or soldier who is taken into or allowed to continue in civil employ *(after he has been granted a pension under military rules). The claims of such an officer to salary in the Civil department are governed by Articles 526 to 528. His pension for service in the Civil department will not be affected by his military pension.

526. (*a*) When a person formerly in military service obtains employment in the Civil department after having been granted a military pension, he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have, in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension, including such portion of it as may have been commuted.

(*b*) ‡ A military officer, departmental officer, warrant or non-commissioned officer or soldier who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may, with effect from the date from which the pension is granted, reduce such pay and allow-

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* Substituted for the words " after he has earned a pension under military rules " with effect from the 30th May 1933.

‡ This revised clause takes effect from the 30th May 1933.

ances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

* NOTE 1.—If the military pension of a person does not exceed Rs. 15 a month, it shall not be taken into account in fixing his pay and allowances in the Civil department and where such pay and allowances have been fixed after taking such pension into account they shall be refixed with effect from 1st February 1942 as if the person is not in receipt of any military pension

‡ NOTE 2.—Clause (*b*) of this article does not apply to a military officer of the Indian Political Service.

NOTE 3.—In the case of all military officers in civil employ granted leave under Fundamental Rule 86, the payment of military pension shall be suspended until the officer is finally retired from civil employ.

Ruling.

MILITARY OFFICERS PLACED ON THE UNEMPLOYED LIST UNDER ARMY INSTRUCTIONS (INDIA), NO. 82 OF 1934.

Civil Service Regulation 526 (*a*).—The Government of India have, with the approval of the Secretary of State, decided that military officers who are placed on the unemployed list under Army Instruction (India), No. 82 of 1934 and who obtain further employment under any Government or Administration will not count the period spent on the unemployed list in civil employment for a separate civil pension as such period will count for military pension under paragraph 4 (*d*) (i) of Army Instruction (India), No. 82 of 1934.

[Government of India, Army Department, No. 08325 (M.S. 3), datd 9th July 1935, A.G.'s Case P.V. No. 4-3 of 1935-36, communicated in the Government of India, Finance Department, No. F 6 (62) R. II/35, dated the 4th November 1935 and Government of India, Development Department, No. 08325/M.S. 3, dated 11th September 1936, communicated with the Comptroller and Auditor-General's Endorsement No. 308-A/72-35, dated 24th September 1936 and Government of India, Finance Department, Endorsement No. D. 2285-R. II/36, dated the 3rd October 1936; A.G.'s Case No. P.V. 4-3 of 1935-36-37.]

527, 528 & 528-A. *Cancelled.*

528-B. The pension of the heir of an Indian Military officer or Non-Commissioned officer or soldier, or the heir of a medical subordinate, will during employment in any Civil department, merge in his salary.

Section IV—Pension for new Service.

529. Except as provided in Articles 525 to 528-B, an officer who, having been discharged with a pension, is subsequently re-employed, may not count his new service for a separate pension. Pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service.

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* This amendment has been made by the Governor-General in Council.

‡ This amendment has been made by the Secretary of State and takes effect from 31st January 1945.

530. If an officer who has obtained a compensation or invalid pension is re-employed in pensionable service and retains the pension (*see* Article 514), the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the officer's final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

Ruling.

The omission of the illustration under this article from the Civil Service Regulations (Fifth Edition, third reprint) was not intended to alter the principle of calculation and the capital value of the pension granted for the previous service should, therefore, continue to be calculated on the basis of the age of the officer on the date of final retirement from service.

[Government of India, Finance Department, No. F. 6 (4)-R. II/34, dated 20th January 1934; A.G.'s Case Pen. Mis. No. 3-19 of 1933-34.]

The illustration is reproduced below for facility of reference.

Illustration.—A who had retired at the age of forty after eighteen years' service on a compensation pension of Rs. 90 (his salary having been Rs. 300) was re-employed after six years in an appointment on Rs. 200 continuing to draw his pension and finally retired at the age of fifty-five. For the second period of service the gratuity ordinarily admissible would be Rs. 1,800. But if the two periods were combined, the pension admissible would be Rs. 100. The difference between the value of this pension and of the pension previously granted, at the age of fifty-five is, as per table of commutation values, Rs. 1,122. The gratuity must therefore be reduced to Rs. 1,122.

(Civil Service Regulation, Fifth Edition, second reprint, corrected up to 15th November 1917.]

531. (*a*) If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension *plus* the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded.

(*b*) If the amount of such gratuity or the present value of such pension, *plus* the amount of the previous gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

531-A. For the purposes of Articles 530 and 531, the capital or present value of a pension shall be calculated in accordance with the table prescribed by the Governor-General in Council under the "Civil Pensions (Commutation) Rules."

Section V—Commercial Employment after retirement.

531-B. (*a*) If a pensioner to whom this Article applies wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of the Governor-General to such acceptance. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as the Governor-General may direct:

Provided that a Government servant permitted by the appropriate authority to take up a particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(*b*) This article shall apply to every pensioner who immediately before retirement was a member of an All-India Service or of a Central Service, Class I, but shall not apply in relation to any commercial employment accepted by such pensioner before the 1st January 1948.

(*c*) In this Article, "commercial employment" means employment in any capacity, including that of an agent, under a company, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and a partnership of such firm.

Rulings.

1. This article applies only to those officers under the rule-making control of this Government who held gazetted posts immediately before retirement.

[G.O. Ms. No. 901, Finance (Pension), dated 16th September 1948.]

2. (a) A condition should be incorporated in the terms of contracts executed on account of public works to the effect that it is liable for cancellation if either the contractor himself or any of his employees is

found to be a Gazetted Officer who retired from service and had not obtained permission from the Government for accepting the contract or employment within a period of two years from the date of his retirement;

(b) At the time of sanctioning pension of engineers, and other Gazetted Officers of the Public Works Department including Electricity Department, they should be required to sign an undertaking that they would not seek such employment within a period of two years from the date of their retirement, without the prior permission of Government, and that in case of non-pensionable officers they should be required to sign a similar undertaking at the time they are paid the gratuity or other retiring benefits by Government".

(G.O. Ms. No. 31, Finance, dated 6th January 1959.)

Section VI—Employment under a Government outside India after retirement.

531-C. (*a*) If a pensioner to whom this article applies wishes to accept any employment under a Government outside India, he should obtain the previous sanction of the Governor-General of such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission, in respect of any period for which he is so employed or such longer period as the Governor-General may direct :

Provided that a Government servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(*b*) This article shall apply to every pensioner who immediately before retirement was a member of an All-India Service or of a Central Service, Class I, but shall not apply in relation to any employment referred to in clause (*a*) above accepted by such pensioner before the 26th July 1949.

(*c*) For the purposes of this article, "employment under a Government outside India" shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

Section VII—Commercial or private employment or employment under a Government outside India after retirement.

531-D. (*a*) If a pensioner to whom this article applies wishes to accept any employment whether commercial or private, before the expiry of two years from the date of his retirement or any employment under a Government outside India at any time, he should obtain the previous sanction of the State Government to such acceptance. No pension shall be payable to a pensioner who accepts any such employment without such sanction, in respect of any period for which he is so employed or such longer period as the State Government may direct.

(*b*) This article shall apply to all pensioners who immediately before retirement were gazetted officers under the rule-making control of the State Government or were on leave preparatory to retirement and would have held gazetted posts but for proceeding on such leave, but shall not apply in relation to any employment whether commercial or private accepted by such pensioners before the 1st January 1948, or to any employment under a Government outside India accepted by such pensioners before the 26th September 1949.

(*c*) For the purposes of this article, "employment under a Government outside India" shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

NOTE.—No officer on leave preparatory to retirement should be permitted except for very special reasons to accept any employment until such leave expires and he enters on pension.

PART V—RULES APPLICABLE TO SPECIAL DEPARTMENTS OR SPECIAL OFFICERS.

GENERAL ARRANGEMENT.

PART V—RULES APPLICABLE TO SPECIAL DEPARTMENTS OR SPECIAL OFFICERS.

Chapter XXIII—Judges of the High Courts.

Statutory Rules.

543. The following are the rules fixing the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage, of the Chief Justice and other Judges of the several High Courts, which have been made by the Secretary of State in Council under Statutes 5 and 6, Geo. V., Cap. 61, s. 104.

*THE GOVERNMENT OF INDIA (HIGH COURT JUDGES) ORDER, 1937.

(AS MODIFIED UP TO THE 25TH JANUARY 1950.)

Introductory.

1. This Order may be cited as "The Government of India (High Court Judges) Order, 1937," and shall come into operation on the first day of April, nineteen hundred and thirty-seven.

2. (1) In this Order, except where it is otherwise expressly provided or the context otherwise requires—

"High Court" means a Court which is a High Court for the purposes of the Act;

"Former Indian High Court" means the High Court at Rangoon, the High Court at Lahore, the Chief Court of Sind or the Judicial Commissioner's Court of the North-West Frontier Province;

"Chief Justice" includes a Chief Judge;

"Judge" includes a Chief Justice an acting Chief Justice, an acting Judge and an additional Judge;

"acting Chief Justice" means a Judge appointed under sub-section (1) of section 222 of the Act to perform the duties of a Chief Justice;

"acting Judge" means a person appointed under sub-section (2) of the said section to ‡ act as Judge;

*The relevant portions of the Government of India (High Court Judges) Order, 1937, are reproduced here in the place of the (old) High Court Judges (India) Rules, 1922.

These rules have been replaced by the High Court Judges (conditions of service) Act 1954. Relevant portions of the Act as amended by the High Court Judges (conditions of service) Amendment Act 1958 are contained in Appendix 17 to this Code.

‡The Constitution of India does not provide for such appointment now.

" additional Judge " means a person appointed under sub-section (3) of the said section to be an additional Judge;

" actual service " includes—

(i) time spent by a Judge on duty as Judge, or in the performance of such other functions as he may be directed by the Governor-General or the Governor to discharge;

(ii) vacations excluding any time during which the Judge is absent on leave; and

(iii) joining time on transfer from one High Court to another or from the Federal Court to a High Court; and except in rule 5 also includes—

(iv) time spent by a Judge on duty as a Judge of a former Indian High Court or as an acting puisne Judge of the Federal Court;

(v) joining time on transfer from a High Court to the Federal Court; and

(vi) vacations taken by a Judge as a Judge of a former Indian High Court;

" service for pension " includes—

(i) actual service;

(ii) one month or the amount actually taken, whichever is less, of each period of leave on full allowances;

(iii) joining time on return from leave out of the sub-continent of India;

(iv) in the case of a Judge who, before appointment to a High Court in India, was a Judge of the High Court at Rangoon, any period of unemployment due to the enforced closure of that Court caused by the hostilities with Japan which commenced on the 9th December 1941.

(2) In the calculation of service for the purposes of this Order previous service at any date or dates as acting Judge or additional Judge or as Judge of a former Indian High Court and service as an acting Judge of the Federal Court shall be reckoned as service as Judge; but, save as expressly provided, previous service as acting Chief Justice shall not be reckoned as service as Chief Justice.

(3) Any period of leave taken by a Judge before the commencement of this Order under the rules then applicable to him as an acting Judge or additional Judge shall for the purposes of this Order be treated as if it were leave taken by him under this Order.

(3-*a*) Any period of leave taken by a Judge while serving as a Judge of a former Indian High Court, before his appointment to a High Court in India, shall for the purposes of this Order be treated as if it were leave taken by him under this Order.

(4) The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

* * * * * * *

Pensions.

17. (1) Subject to the provisions of this Order, a pension shall be payable to a Judge on his retirement if, but only if, either—

(*a*) he has completed not less than 12 years' service for pension; or

(*b*) he has completed not less than 7 years' service for pension and has attained the age of sixty; or

(*c*) he has completed not less than 7 years' service for pension and his retirement is medically certified to be necessitated by ill-health.

(2) The Governor-General may for special reasons direct that any period not exceeding three months shall be added to a Judge's service for pension :

Provided that a period so added shall be disregarded in calculating any additional pension under Part I or Part II of the Third Schedule to this Order.

18. (1) Subject to the provisions of this Order, the pension payable to a Judge who on his retirement is entitled to a pension shall be calculated—

(*a*) in the case of a Chief Justice or Judge who is not a member of the Indian Civil Service, or of a Chief Justice of a High Court other than the Chief Court of Oudh who is a member of the Indian Civil Service, in accordance with the scale and rules in Part I of the Third Schedule to this Order;

(*b*) in the case of a Judge who is a member of the Indian Civil Service and is not a Chief Justice of a High Court other than the Chief Court of Oudh, in accordance with the scale and rules in Part II of the said Schedule.

19. (1) The provisions of this paragraph shall apply in relation to a Judge who is a member of a Civil Service of the Crown in India.

(2) If any such Judge is eligible for a pension under paragraphs 17 and 18 of this Order he shall elect to receive either that pension or such pension as is referred to in the next succeeding sub-paragraph.

(3) If any such Judge is not eligible for a pension under paragraphs 17 and 18 of this Order or, being eligible for such a pension elects not to receive that pension, the pension payable to him shall be—

(*a*) the pension for which he would have been eligible under the rules of his Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service for the purpose of calculating that pension; and

(*b*) if he is neither a member of the Indian Civil Service nor entitled to a special pension under the rules referred to in clause (*a*), a special additional pension of five hundred rupees per annum in respect of each completed year of service for pension in any one or more of the High Courts, so however that such additional pension together with the special additional pension, if any, admissible to him under the said rules does not in any case exceed two thousand five hundred rupees per annum.

(4) The pension payable to any such Judge, part of whose service includes service as a Chief Justice, shall in no case be less than the pension for which he would have been eligible if all his service for pension had been service rendered otherwise than as Chief Justice.

20. The rules for the time being in force with respect to the grant of extraordinary pension and gratuities and privileges in regard to special disability leave and passages to, or in respect of, members of the Indian Civil Service who may suffer injury or die as a result of violence shall apply in relation to a Judge, whether a member of a Civil Service or not, subject, however, to the modification that references in those rules to tables of injury gratuities and pensions and of family gratuities and pension, shall be construed as references to the tables in the Fourth Schedule to this Order.

21. Pensions expressed in sterling only shall, if paid in India, be converted at such rate of exchange as the Governor-General may from time to time prescribe ;

Provided that nothing in this paragraph shall effect any specific privilege in respect of the conversion of sterling pension which was conferred by any rules previously in force on persons who on the 1st February 1921, were members of a Civil Service of the Crown in India.

22. The Civil Pensions (Commutation) Rules applicable to members of the Indian Civil Service shall with any necessary modification apply to Judges.

23. There shall be paid to the legal personal representatives of any Judge who dies while in possession of his office and who was at the time of his appointment permanently resident in Europe :—

(*a*) if the death occurred more than six months after the date of his assumption of office a sum equal to six months' salary in addition to any salary due to the Judge at the date of his death; or

(*b*) if the death occurred within six months after his assumption of office or during his voyage to India for the purpose of first assuming office, such sum as with any amount received by or due to the Judge on account of salary will make up the amount of one year's salary.

24. Save as may be otherwise expressly provided in the relevant rules relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Order shall be the Governor of the Province in which the High Court is situated.

* * * * * * *

Subsidiary conditions of Service.

* 26. Subject to the provisions of this Order and of any other Order in Council made under the Act, the conditions of service of a Judge shall be determined by the rules for the time being applicable to a member of the Indian Civil Service holding the rank of Secretary to the Government of the Province in which the principal seat of the High Court is situated:

Provided that nothing in this paragraph shall have effect so as to give to a Judge who is a member of a Civil Service of the Crown in India less favourable terms in respect

* *See* section 217 of the Constitution of India which deals with the appointment and condition of the Office of a Judge of a High Court.

of any of his conditions of service than those to which he would be entitled as a member of his Civil Service if he had not been appointed a Judge, his service as Judge being treated as service for the purpose of determining those terms.

Provisions as to existing Judges.

27. (1) The foregoing provisions of this Order (other than paragraphs 3, 13-A and 23) shall not apply in relation to a Judge who—

(*a*) was serving as a Judge in India at the commencement of this Order; or

(*b*) was serving as a Judge in Burma at that date and is subsequently appointed to be a Judge in India.

(2) The conditions of service of any such Judge as aforesaid shall continue to be governed by the rules to which he was subject immediately before the commencement of this Order and, for the purposes of those rules, service by any such Judge as a Judge in Burma, whether before or after the said date, and leave taken by him, during such service, shall be treated as service rendered in India and as leave taken during service so rendered.

(3) For the purpose of this paragraph a person who was serving as Acting Judge or Additional Judge at the commencement of this Order shall be deemed to have been serving as Judge at that date if, but only if, his service as such Acting Judge or Additional Judge continued without interruption until his subsequent permanent appointment as Judge.

THIRD SCHEDULE.

(Paragraph 18.)

PENSIONS OF JUDGES.

PART I.

1. The provisions of this Part of this Schedule apply to a Chief Justice or Judge who is not a member of the Indian Civil Service and also to a Judge who is a member of that service and is Chief Justice of a High Court

In this Part of this Schedule, the expression "High Court" does not include the Chief Court of Oudh

2. The pension payable to such a Judge who has completed twelve years' service for pension, including not less than six years' service as Chief Justice of one or more of the High Courts, other than Nagpur, Orissa or Assam shall, if six years or more of his service as Chief Justice has been rendered at that High Court at Calcutta, be eighteen hundred pounds per annum and, in any other case fifteen hundred pounds per annum.

3. Subject as aforesaid, the pension payable to a Judge to whom the provisions of this Part of this Schedule apply shall be the basic pension for which provision is made in the next succeeding paragraph increased by the additional pension, if any, to which he is entitled under the subsequent provisions of this Part of this Schedule.

4. The basic pension to which such a Judge shall be entitled shall be—

(a) for the first seven completed years of service for pension £375 per annum; and

(b) for each subsequent completed year, a further sum of £75 per annum:

Provided that his basic pension shall in no case exceed £750 per annum.

5. For the purpose of calculating additional pensions, service as a Judge shall be classified as follows:—

Grade I.—Service as Chief Justice in the High Court at Calcutta.

Grade II.—Service as Chief Justice in any High Court other than the Calcutta, Nagpur, Orissa and Assam High Courts or as Chief Justice or Acting Justice in the High Court at Rangoon or Lahore.

Grade III.—Service as Chief Justice in the Nagpur, Orissa or Assam High Court.

Grade IV—Service as a puisne Judge in any High Court other than the Nagpur, Orissa or Assam High Court, or as a puisne Judge in the High Court at Rangoon or Lahore.

Grade V.—Service as a puisne Judge in the Nagpur, Orissa or Assam High Court and any service in the Chief Court of Oudh.

6. For each completed year of service for pension in any grade mentioned in the last preceding paragraph the Judge shall be entitled to the additional pension specified in relation to that grade in the second column of the table hereinunder printed:

Provided that the aggregate amount of his basic and additional pensions shall not exceed the amount specified in the third column of the said table in relation to the highest grade in which he has rendered service for not less than one completed year.

TABLE.

Service.	*Additional pension per annum.* £	*Maximum aggregate pension.* £
Grade I	75	1,800
Grade II	55	1,500
Grade III	40	1,250
Grade IV	35	1,200
Grade V	20	1,000

7. A Judge who has rendered service for pension in two or more grades may claim that any period of service less than a completed year rendered by him in one grade or any portion of any such period, shall be treated for the purposes of the last preceding paragraph as service rendered by him in a lower grade.

8. If a Judge who has served as Acting Chief Justice of a High Court is subsequently appointed Chief Justice of that Court or of any other High Court, his service as an Acting Chief Justice shall for the purposes of this Part of this Schedule be treated as service as Chief Justice of the Court in which the acting service was rendered:

Provided that service as Acting Chief Justice of the High Court at Calcutta shall be treated as service as Chief Justice of the Court of which the Judge was at the date of his retirement Chief Justice.

9. For the purposes of this Part of this Schedule service as an Acting Judge of the Federal Court shall be treated as though it were service rendered as Chief Justice (or, for the purposes of paragraph 8 as Acting Chief Justice) of the High Court at Madras.

PART II.

1. The provisions of this Part of this Schedule apply to a Judge who is a member of the Indian Civil Service and is not a Chief Justice of a High Court.

In this Part of this Schedule the expression "High Court" does not include the Chief Court of Oudh.

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service, his service as Judge being treated as service therein; and

(b) the additional pension, if any, to which he is entitled under either of the two next succeeding paragraphs.

3. If his service for pension includes service for less than seven completed years in any one or more of the High Courts (other than the Nagpur, Orissa and Assam High Courts) or as an Acting Judge of the Federal Court, or partly in any one or more of the said High Courts and partly as an Acting Judge of the Federal Court, he shall be entitled to an additional pension in accordance with the following scale:—

	Per annum. £
For 7 completed years of service in one or more of those Courts ..	100
For 8 completed years of service in one or more of those Courts ..	120
For 9 completed years of service in one or more of those Courts ..	140
For 10 completed years of service in one or more of those Courts ..	160
For 11 completed years of service in one or more of those Courts ..	180
For 12 or more completed years of service in one or more of those Courts	200

4. If his service for pension includes service for not less than seven completed years in any one or more of the High Courts (including the Chief Court of Oudh) and some part of that service, but less than seven completed years, has been rendered in one or more of the Courts mentioned in the preceding paragraph, he shall be entitled to an additional pension of £ 15 per annum in respect of each completed year of service rendered in one or more of the Courts so mentioned.

FOURTH SCHEDULE.

(Paragraph 20.)

INJURY GRATUITIES AND PENSIONS.

Officer.	Gratuity.		Annual pension—Higher scale		Annual pension—Lower scale.	
	RS.	£	RS.	£	RS.	£
Chief Justice or Acting Chief Justice of the High Court at Madras, Bombay Calcutta, Allahabad, Patna or Nagpur, or of the High Court of East Punjab, Orissa or Assam.	27,000	2,025	5,400	405	4,700	352
Judge, or Acting or Additional Judge, of a High Court other than a Chief Justice or Acting Chief Justice of the Courts mentioned above.	15,000	1,125	4,700	352	4,000	300

FAMILY GRATUITIES AND PENSIONS.

A. Widows.

Officer.	Gratuity.		Annual pension.	
	RS.	£	RS.	£
Chief Justice or Acting Chief Justice of the High Court at Madras, Bombay, Calcutta, Allahabad, Patna or Nagpur or of the High Court of East Punjab, Orissa or Assam.	17,000	1,275	5,000	375
Judge or Acting or Additional Judge of a High Court, other than a Chief Justice or Acting Chief Justice of the Courts mentioned above.	13,500	1,012	4,000	300

B Children

	Annual child's pension Rs.	£
If child is motherless	550	41
If Child is not motherless	320	24

Rulings.

1. (*a*) The specific sanction of the President of the Republic of India is not required for the grant of pensions to individual Judges of the Indian High Courts in accordance with the scale prescribed in the rules fixing such pensions.

(*b*) The State Government are competent to sanction the pension of High Court Judges.

(Government of India, Finance Department, No F. 27-V-C S R /27, dated 1st July 1927, A -.G 's Case Pension Mis No 3-7 of 1927-28)

2. A High Court Judge, when appointed, is required to agree to resign his appointment on attaining the age of 60 years and he must therefore compulsorily vacate his office in conformity with his own undertaking. Leave under Fundamental Rule 86 is not admissible to a High Court Judge after he has vacated his office, as such grant of leave after his attainment of 60 years of age would involve the grant of extension of service as High Court Judge The Government of India can extend the service of a High Court Judge only when such an extension of service is in the public interest (vide Secretary of State's Public Despatch No 21, dated 22nd February 1918). It cannot be said to be in the public interest to sanction an extension of service beyond the age of 60 years merely in order to allow an officer to take leave or to complete pensionable service.

(Government of India, Finance Department, Telegram 1588-C.S.R , dated 7th September 1920, Comptroller and Auditor-General's Endorsement No 317-A-56-25, dated 5th May 1925; Audit Manual.)

3. The Government of India have authority to retain a Judge in the public interest and that alone upto the age of 61.

(Government of India, Finance Department, No. F 19-IX-C.S.R./26, dated 29th November 1926; G A 16-3 of 1926-27)

4. It has been ruled by the Government of India that according to the definition of the terms 'Judge', 'actual service' and 'Service for pension in rule' of the High Court Judges Rules, 1922, and in paragraph 2 of the Government of India (High Court Judges) Order, 1937, the acting service of a Judge of the High Court counts for pension.

(Letter Ms. No. 5681, Home, dated 30th October 1939, to the Hon'ble the Chief Justice Madras; A -.G.'s Case P.V. 6-12/39-40.)

Reversion to the General Service.

544. (*a*) An officer subject to the rules of any of the other Chapters of these Regulations, who has for a time been removed from the operation of such rules by reason of officiating as Judge of the High Court, shall, on return to

general service, have to his credit the same amount of service towards privilege leave as was at his credit when he began to officiate as High Court Judge.

(*b*) In addition to this, he is entitled to count towards privilege leave, under the rules to which he is subject, any period that has elapsed since he last obtained privilege leave or enjoyed vacation as High Court Judge, which he could have counted for privilege leave as a High Court Judge if his officiating service had been prolonged until leave became admissible under the rules applicable to Judges of the High Court.

545. If a Judge, who is a member of the Indian Civil Service or a Statutory Civil Servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a Judge of the High Court shall be reckoned as if it had been taken under the rules for the leave of absence of members of the Indian Civil Service or Statutory Civil Servants, as the case may be.

545-A. A Chief Judge of a Chief Court who before his appointment as such was a permanent Judge of a High Court in India shall be entitled on retirement from the Chief Court to a pension equal to that which he would have received had the period of his service as Chief Judge of a Chief Court been rendered as a Judge of a High Court.

546-550. *Omitted.*

Chapter XXV.—Members of the Indian Civil Service.

Date of Arrival in India

551. The date of an officer's first arrival in India is held to be the date on which he reports his arrival at the capital town of the Presidency or State to which he has been posted by the Secretary of State or the Government of India, or at any other station to which he may proceed under the orders of the State Government.

Ruling.

In the case of an I.C.S. Probationer trained in India, the date on which he joins his appointment or the date on which he reports his arrival at the headquarters of his State for the purpose of joining his post should be treated as the date of first arrival in India.

(Government of India, Home Department, letter No. 35/44/41-Establishment, dated the 3rd September 1942; A.-.G.'s Case, 6th October 1941-43.)

552-557. *Omitted.*

558 & 559. *Cancelled.*

560. *Omitted.*

Retirement and Annuity.

561. An officer who has been twenty-five years in the service, counting from the date of his covenant [or from the date of the despatch of the Secretary of State announcing his appointment(whichever may have been earlier)]* and who has rendered twenty-one years' active service, is entitled, on his resignation of the service, being accepted, to an annuity of Rs. 13,333-5-4 (Rs. 13,333.33 with effect from the 1st April, 1957) if he is an Indian Officer or, being a non-Indian Officer, draws his pension in India, and to an annuity of Rs. 10,666-10-8 (Rs. 10,666.66 with effect from the 1st April, 1957), subject to a minimum of £ 1000, if he is a non-Indian Officer and draws his pension through the High Commissioner for India in London.

562. An officer who resigns the service will, by such resignation, vacate any office under the Government which he may then be holding. But this rule does not apply to the offices of Viceroy and Governor-General of India, Governor of Madras, Governor of Bombay and Governor of Bengal.

563. The resignation of the Civil Service by a Lieutenant-Governor, Member of the Council of the Governor-General, or of the Council of a Governor or of a Lieutenant-Governor, or Judge of a High Court, shall not be accepted unless his resignation of his office is at the same time tendered and accepted.

564. An Officer who is declared by a medical certificate in due form to be incapacitated for further service, and is thereupon permitted to resign the service before he is entitled to an annuity under Article 561, is entitled to an annuity as follows:—

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* The words in square brackets occurring in Article 561 do not apply to persons appointed to be members of the Indian Civil Service, on probation, under rule 2 of the Indian Civil Service (Probationary Service) Rules, 1937, or corresponding rules made thereafter.

Total Active Service.		Annuity	Minimum admissible to non-Indian Officers if the annuity is drawn through the High Commissioner for India in the U K.
			£
Not less than 10 years but less than 11 years		Rs. 4266-10-8 (Rs. 4,266 66 with effect from the 1st April, 1957).	320
Not less than 11 years but less than 12 years	..	Rs. 4,800	360
Not less than 12 years but less than 13 years	.	Rs. 5,333-5-4 (Rs. 5,333.33 with effect from the 1st April, 1957).	400
Not less than 13 years but less than 14 years	.	Rs 5,866-10-8 (Rs. 5,866.66 with effect from the 1st April, 1957).	440
Not less than 14 years but less than 15 years	..	Rs 6,400	480
Not less than 15 years but less than 16 years	..	Rs. 7,200	540
Not less than 16 years but less than 17 years	..	Rs. 8,000	600
Not less than 17 years but less than 18 years	.	Rs 8,800	660
Not less than 18 years but less than 19 years	.	Rs. 9,600	720
Not less than 19 years but less than 20 years	..	Rs 10,400	780
Not less than 20 years but less than 21 years	..	Rs. 11,200	840
Not less than 21 years		Rs. 12,000	900

Ruling.

The Comptroller and Auditor-General has held that study leave is not active service within the meaning of Articles 8 and 9 and cannot count for annuity under Article 561. Rule 11 of the Study Leave Rules permits study leave to count as service for pension but not as "active service" for annuity.

This principle will apply in reckoning active service under Article 564 also.

[Comptroller and Auditor-General's letter 59-A/184-34, dated 15th March 1935, filed in Case Pen. Mis. No. 3-13 (1) of 1931-37 and Comptroller and Auditor-General's letter 293-A/37, dated 16th September 1937, filed in A.-.G.'s Case 11-20 of 1937-38.]

564-A.—*Omitted.*

564-B. The power of withholding or withdrawing the whole or any part of an Annuity under Article 351 shall be exercised only by the Secretary of State in Council.

Unfitness for further advancement.

564-C. The grant of an annuity to an officer of the Indian Civil Service who is proved to be unfit for further advancement and is removed from service by the Secretary of State on the recommendation of the Local Government and the Government of India, is regulated by Article 353-.A

Compulsory Retirement.

565. (*a*) After thirty-five years' service, counting from the date of his arrival in India, an officer shall not, except for special reasons and with the sanction of the Secretary of State, retain his office or be appointed to any new office: Provided that if such an officer has held his office for less than five years, he may, for special reasons, with the sanction of the Government of India, be permitted to retain his office until he has held it for five years. The term " Office " in this Article includes an officiating appointment.

NOTE —(This rule does not apply to an officer holding the appointment of a Judge of a Chief Court Such an officer is required to vacate his appointment on attaining the age of 60 years)

(*b*) The period of five years begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.

NOTE —(The term " office " as used in this Article does not include any office held under direct appointment by His Majesty the King Emperor of India or by the Governor-General with the approval of the King-Emperor, but the retention of such an office should be subject to the condition prescribed in Article 563)

PART VI—WOUND AND OTHER EXTRAORDINARY PENSIONS.

CHAPTER XXXVIII—WOUND AND OTHER EXTRAORDINARY PENSIONS.

GENERAL RULES.

(*See* Appendix 3.)

PART VII—FOREIGN SERVICE, REGULAR ESTABLISHMENTS THE COST OF WHICH IS RECOVERED BY GOVERNMENT, SERVICE UNDER LOCAL FUNDS

GENERAL ARRANGEMENT.

PART VII—FOREIGN SERVICE; REGULAR ESTABLISHMENTS THE COST OF WHICH IS RECOVERED BY GOVERNMENT; SERVICE UNDER LOCAL FUNDS.

Chapter XXXIX—Foreign Service.

749-A—750. *Omitted.*

General conditions applicable to Foreign Service.

751 & 752. *Omitted.*

753. An officer in foreign service may not elect to withhold contribution and forfeit the right to count as Government service the time spent in foreign employ. The contribution paid by or for him maintains his claim to pension or, if contribution is paid for leave allowance also, to pension and leave allowance in accordance with the rules of the service to which he belongs. Neither he, nor anybody which has paid contribution on his behalf, has any right of property in such contribution nor can any claim for refund be entertained.

Ruling.

In the case of an officer on foreign service, the contributions paid for him maintain his claim for pension and consequently for the period of his foreign service he should be considered to have retained no connexion with his post under Government for the purpose of Article 89. It will not make any difference in the position even if the payment of the contribution is remitted under Fundamental Rule 119.

The officer on foreign service retains a lien (active or suspended as the case may be) on his permanent post, and even though he has thus a right to return to such a post in a substantive capacity, it does not necessarily follow that he counts service for pension in the permanent post. Since the contributions paid for him maintain his claim for pension for the period of his foreign service, he need not count service for pension against any permanent post under Government . His title to pension for the period is established only secondarily by reason of his holding a lien on a permanent post under Government but primarily by reason of the payment of contributions. It is true that under Article 355 (*b*) two officers may not simultaneously count service for pension in respect of the same office, but the underlying principle of the rule is to protect Government from payment of two pensions in respect of one and the same post and as the claim to pension of an officer in foreign service is maintained by payment of contributions, Government does not incur double liability for pension by allowing his *locum tenens* to count service for pension.

The conclusion, therefore, is that while an officer officiating in a vacancy caused by the detachment *on temporary duty* of the permanent incumbent of a post does not count the officiating service for pension under Article 371 in view of the Government decision of 1897 both officiating and provisionally substantive service of an officer rendered in a vacancy caused by the transfer of the permanent incumbent *on foreign service* counts either directly under Article 371 or under the relevant provisions of other articles of the Civil Service Regulations applicable to the substantive holder of a permanent post—*vide* also ruling and note under Article 89.

(Comptroller and Auditor-General's Office Memorandum No. 377-A/120-44, dated 1st September 1944; A.- G.'s Case Pen. Mis 3-2 of 1944-45 and G.O. Ms. No. 95, Finance, dated 30th January 1945.)

754. An officer of Government, who is lent on foreign service conditions, may not, except with the sanction of the Government of India, accept a pension or gratuity from his foreign employer in respect of such service.

755-782. *Omitted.*

Chapter XLII.—Service under Local Funds.

Section I.—Pensions.

796. Apart from any special provisions made under the following rules, service paid for from a Local Fund does not qualify for pension.

797. In the case of the Local Funds which up to the 1st April 1908 were treated as incorporated, the Local Government may, subject to any provision of law applicable to the case, allow the Trustees, Committee, or Managers to treat the service as qualifying, and may, itself do so in the case of Funds under its own direct administration.

798. The same procedure should be observed in the calculation, grant and payment of pensions for service treated as qualifying under Article 797, as is prescribed for pensions payable from General Revenues, but the pensions must be paid from and charged against the Local Fund.

NOTE.—(*See* the notes under Article 807.)

799. When part of the pensionable service of an officer qualifies for pension from the General Revenues and part from the Local Funds which up to 1st April 1908 were treated as incorporated, his pension is paid and charged according to the rule of proportions : it is not admissible to disregard the pensionable Local Fund service, and award

a pension only for the service paid from General Revenues : provided that if, under this rule, less than one-fourth of the pension would be payable from either source, no distribution shall be made; in such case the other source shall bear the whole charge.

Ruling.

In a case in which two District Funds are jointly liable for more than one-fourth of a pension, each of the two should contribute proportionately.

(Government of India, Finance Department, No. 4629-P, dated 11th October 1899.)

800. In the case of other Local Funds, the rule that service does not qualify does not prohibit the grant and payment of pensions in conformity with the general terms of the pension rules by the authorized administrators of the funds. But Government is in no way responsible for the sanction or continuance of such pension, and no standing order for their payment may be issued to or received by, any Government treasury, and the procedure rules in Part X do not apply to them.

NOTE.—(The restrictions as to the payment of such pensions do not apply to pensions chargeable to the Calcutta Fire Brigade Fund.)

Rulings.

1. All the members of the pensionable establishment of a Government school employed in such school at the time of its transfer to municipal councils will be held to be still rendering service qualifying for pension from Government under Article 804.

2. Other servants of municipal councils are not, in any case, entitled to pension as a matter of right, but the Government will be prepared to consider, on their merits, applications from municipal councils for gratuities on retirement, in individual cases of long and good service, provided that the amount of such gratuities shall, in no case, exceed the sum to which, under the Civil Service Regulations or such other rules as may be, for the time being in force, the recipient would have been entitled, if his service had been service under Government.

3. All servants of Government other than those referred to in 1 above, transferred from qualifying service to service under a municipal council, are entitled to claim payment by such municipal council of the usual contribution to Government in order to maintain their claim to pension eventually from State Funds.

4. No scheme for the establishment of any pension or Provident Fund under the District Municipalities Act shall be adopted by any municipal council without the previous sanction of Government.

(G.O. No. 1874, L. & M., dated 7th August 1891.)

801. Service in the following establishments paid from Local Fund is treated as qualifying, provided that pension for service under the fund is paid from the fund, the rule of proportions being applied in the case of service paid partly from the Fund and partly from other sources:—

Establishments paid from Port Funds managed by Government.

NOTE 1.—The rule regarding officers of the Royal Indian Marine lent to Port Trust is given in Article 772 (*b*) (iv).

NOTE 2.—The transfer of Government servants to service under Local Funds should ordinarily be dealt with under the rules regarding foreign service. The application of the rule of proportions to service partly under a local fund (other than those mentioned in this article and in Article 799) requires the special sanction of the Local Government who before giving such sanction should satisfy itself that the fund in question is not of a merely temporary character, that it is solvent and able to bear the charge and that the pension can legally be charged to it.

Rulings.

1. Service in establishments paid from the Madras Coast-Lights Fund qualifies for pension from the 1st April 1904 and service in establishments paid from the Pilotage, Landing, Shipping Fees and Pier Funds, from the 1st April 1905.

(Government of India letter No. 4433-P , dated 7th August 1905, Finance Department, forwarding a copy of Government of India letter No. 3934-2, dated 31st July 1905, Department of Commerce and Industry.)

2. Rule 1 under this article is not applicable in the case of a municipal employee for part of whose service contribution was paid under Article 802, and a pension cannot therefore be sanctioned which is chargeable to Government and the municipality according to the *Rule of Proportions.*

(C.G.'s No. 515-A.A.A./7-16, dated 31st May 1916; A.-G.'s Case Pen. Mis. No. 3-3 1916-17)

3. The rule of proportions is applied only in cases where officers are transferred in the interests of the service from Government employment to service under Excluded Local Funds and *vice versa;* where an officer is not transferred but resigns the one service to take up other, the rule of proportions should not be applied, but separate pension may be given for the different services.

(Government of India, Finance Department, No. 2753-P., dated 6th June 1900.)

4. The Government of Madras sanctioned the transfer of Janab Muhammad Yousuf (then Probationary Deputy Jailor, Central Jail, Coimbatore and now Assistant Inspector-General) for service under the Hon'ble the Resident at Hyderabad in the Secunderabad District Jail.

The pensionary charges on account of the officer at the time of his retirement should be met from the General Revenues and Secunderabad Local Abkari Fund according to the rule of proportions under rule 1 of this article.

[G.O. No. 1944, Law (General), dated 7th August 1923, in A.-G.'s Case Pen. Mis. No. 3-11 of 1923-24.]

5. An officer does not forfeit his previous qualifying service under Government by taking leave without pay and taking up appointment in a municipality with the knowledge of his superiors. No contribution can be taken in this case as the appointment was not made with the consent of the Government.

(Government of India, Finance Department, No. 3774, dated 12th July 1888)

6. When a Government officer is compulsorily transferred to an appointment paid by a Local Fund, and is subsequently dismissed therefrom, he has no claim to a pension or gratuity; but if the Local Government consider that he is deserving of a compassionate allowance, it may award a pension not exceeding that which could have been granted as a compensation pension on the termination of the officer's service under Government.

(Government of India, Finance Department No 8190-P, dated 19th February 1896.)

7. Pending consideration of the question of instituting a Contributory Provident Fund for the Port of Cochin, the Government of India have agreed to the continuance of the pensionary rights conferred on the members of the Port Office staff at Cochin by the Government of Madras The pensions granted should be apportioned to the several funds served according to the rule of proportions.

[Government of India, Department of Communications, letter No. 11-P (20/39, dated the 4th April 1939, A.- G.'s Case O.A Cochin Port.]

PENSIONS FROM THE GENERAL REVENUES.

802. The administrators of a Local Fund may, with the permission of the Local Government, make a permanent arrangement for contributing for pensions from the General Revenues for its permanent employees or for any specified classes of them by paying to Government a contribution of one-ninth of the sanctioned salaries of the several appointments; provided that—

(*a*) the contribution must be paid in full at the beginning of each month by cash or cheque to the nearest Government treasury. Any default in the payment of the

Footnote to Article 802.—No officer or servant of a district board entertained in its service on or after the first day of April 1932 shall be eligible to be paid any pension from the fund of the board, nor shall any pensionary contribution be paid on his behalf from such fund.

Where an officer or servant of any such board was, on the said date, holding a post in its service in respect of which pensionary contribution was being paid with the previous sanction of the State Government, such contribution shall, unless the State Government otherwise direct, continue to be paid so long as the officer or servant continues to hold such post or any other post in respect of which pensionary contribution was being paid with such sanction on the said date.

Contribution towards pension will continue to be paid in respect of incumbents whose services are pensionable under Article 802 in districts where a Provident Fund Scheme has been or will be introduced, so long as the individuals concerned are in service.

(G.O. No. 3614, L. & M., dated 8th September 1932, in A.-G.'s Case Pen. C. Mis. No. 2-9 of 1932-33.)

contribution entails forfeiture of the claim against Government;

(*b*) the bills for establishment charges must be subject to audit by Government with a view to ensuring that health certificates have been obtained for new entrants, that the contributions are recovered in respect of the whole establishment sanctioned, and that no employee in any month draws more than the amount sanctioned for the appointment held by him.

Arrear contributions in respect either of individual officers or classes of officers proposed with a view to render past services qualifying, cannot be accepted.

Rulings.

1. There is no authority for receiving pensionary contributions, arrear or otherwise, from a local body for individual employees selected from among its establishment. The rule in this article authorizes the State Government to permit the Administrators of a Local Fund to contribute for pensions from the Consolidated Fund of India for the whole of its permanent employees or for any specified classes of them. It is intended that the contributions should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference to the question whether the particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual is, therefore, that his service under the Local Fund will qualify for a pension from the Consolidated Fund of India if the appointment to which he is transferred is one of a class for which contributions are paid, whether his previous service under Government was qualifying or not; but it will not qualify if the appointment does not belong to such a class.

(Government of India No. 1282-P., Finance and Commerce, dated 20th March 1899.)

2. For the purposes of this article audit by the Examiner of Local Fund Accounts may be regarded as audit by Government.

3. The reporting on applications for pensions should, however, be undertaken by the Accountant-General's office, and the annual establishment returns should, therefore, be recorded in that office.

4. If an officer, whose service is pensionable under the provisions of Article 802, is detached on temporary duty to a non-pensionable post or to a post under the same or a different local board, which is non-pensionable under that article, he counts his detached service under Article 376.

(G.O. No. 564, L., dated 25th May 1905, and G.O. Mis. No. 43, L., dated 16th January 1905.)

5. Pensionary contribution is payable by the local body concerned on the personal allowances paid to its employees in addition to the contribution fixed for the scales of pay of their posts.

[Finance (Pension) Memorandum No. 12206-1, dated 20th April 1936; A.-.G.'s Case P.C. No. 6-3 of 1936-37.]

6. Pension payable to local board servants in respect of whom pensionary contribution is recovered under Article 802 will be based on the pay that would have been drawn by them had the local body not reduced the pay of those servants as a measure of retrenchment.

[G.O. Mis No. 1404, L & M. (L.S.G.), dated 26th April 1932, A.-G.'s Case Pen. Mis No. 3-30 of 1931-32.]

803. An officer who is in qualifying service under Government may be transferred by the State Government to service under a Local Fund under the same limitations and conditions as are applicable to transfers to foreign service. (*See* Fundamental Rule 129.)

804. Teachers and other members of the pensionable establishment of a Government school, who are transferred with the school to which they belong for service under a local board or municipal council, continue to render service qualifying for pension payable by the Local Government irrespective of the institution in which they are employed on similar duty, provided such institution is under the control of the same local board or municipal council.

Rulings.

1. If the pay of an officer is increased after he is transferred, with the school to which he belongs, to service under local boards, the Audit officer will submit an alternative report as to the pension admissible on the basis of the pay enjoyed at transfer and at retirement, and in each case the Director of Public Instruction will make his recommendations for the grant of the higher or lower pension, as may be deemed suitable for the sanction of the State Government.

[G.O. No 17, Finance (Pension), dated 9th January 1920, in A.G.'s Case Pen. Mis. No. 3-35 of 1919-20.]

2. The Accountant-General is authorized to admit in future, without submitting each individual case for the orders of Government, the following emoluments in the calculation of pension under this article:—

(1) The allowance of Rs. 4 per mensem originally granted under G.O. No. 226, Law (Education), dated 27th February 1922, as a compensation for the increased cost of living and continued ever since in the form of an allowance.

(2) Such portion of the increase of pay between the date of transfer of the employee's services to the local body and the date of his retirement, as represents the increase granted in lieu of the allowance mentioned in (1) and the increase granted under G.O. No. 1164, Law (Education), dated 3rd October 1922, as compensation for the abolition of capitation allowance.

[G.O. Mis. No. 178, Finance (G. & P.), dated 25th February 1929, filed in A.-G.'s Case Pen. S. No. 93 of 1928-29.]

3. The orders in paragraph 4 of G O. No. 766, Finance (Retrenchment), dated 14th December 1931, and G.O. No 1494, L. & M , dated 26th April 1932, should not be applied to employees who are eligible for pension from General Revenues under Article 804 (i.e., average emoluments for pension should be calculated on cut pay).

[G.O. No 904, Finance (Pension), dated 22nd November 1935; A.-.G 's Case Pen R. No. 132 of 1934-35]

805. If an officer, whose service is reckoned as pensionable under the provisions of Article 802, is transferred to the similarly pensionable establishment of another Local Fund, the transfer will not interrupt the continuity of service for pension. Transfers may also be made between such service under Local Funds and service in Government establishments.

806. Article 755 (*a*) does not apply to an officer transferred to service under a Local Fund under the conditions and limitations of foreign service of the second kind otherwise than as a merely temporary arrangement; but it does refer to transfers to service under a Local Fund under the conditions and limitations of foreign service of the first kind.

PENSIONS PAYABLE PARTLY BY GOVERNMENT AND PARTLY BY A LOCAL FUND.

807. When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalized value (calculated on the basis of the table of commutation values for pensions applicable to the pensioner, increased by 10 *per cent*) of its share of the pension to Government which will thereupon accept liability for the payment of the entire pension.

NOTE 1.—[When a pension is payable partly by Government and partly by a Local Fund the Local Fund concerned may pay the capitalized value (calculated according to the Post Office Annuity Table) of its share of the pension into the Government treasury instead of purchasing an annuity from the Post office.]

NOTE 2.—[A district board or municipality may, with the previous sanction of the Commissioner of the division (in Andhra Pradesh of the Local Government), grant a gratuity as such, to any of its servants in lieu of the annuity purchasable under this article, if the gratuity proposed is not large enough to purchase an annuity of Rs. 2 a month or more.]

LOCAL FUND PENSION FUNDS.

808. The Government does not guarantee the solvency of funds formed by the subscriptions of Local Fund Officers, and established to provide pensions for the subscribers thereto.

809-814. *Omitted.*

PART X—PROCEDURE RELATING TO PENSIONS.

GENERAL ARRANGEMENT

PART X—PROCEDURE RELATING TO PENSIONS.

Chapter XLVII—Applications for and grant of pensions.

Section I—General.

905. The rules in this chapter apply to all officers applying for pension under these regulations except—

(*a*) Members of the Indian Civil Service—(Chapter XLIX).

(*b*) Chaplains—(Chapter I).

(*c*) Judges of the High Courts for whom no special procedure is laid down.

Ruling.

It has been decided by the Government of India that the relevant provisions of the Civil Service Regulations relating to matters of procedure in regard to the payment of pension, etc., shall continue to be applied to Judges of the High Courts.

(Government of India, Home Department, letter No. F. 102/26-Judl., dated the 7th June 1927, to the Government of Bombay; A.-.G.'s Case Pen Ms. No. 3-15 of 1933-34.)

906. All authorities dealing with applications for pension under these regulations should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure therefore that an officer begins to receive pension on the date on which it becomes due.

Ruling.

Pension application should not be treated as papers which may be dealt with in ordinary course; but their disposal as well as subsequent references, if any, from the Accountant-General or any other officer should be regarded as urgent.

(G.O. No. 530-P., dated 14th July 1897.)

907. Every officer shall submit a formal application for pension. An officer should, in his own interest, submit his formal application for pension to the authority specified in Article 911 or 914, as the case may be, one year in advance of the date of his actual or anticipated retirement :

Provided that—

(i) In case in which the date of retirement cannot be foreseen six months in advance the application shall be submitted immediately after the date of retirement is settled; and

(ii) An officer proceeding on leave preparatory to retirement, in excess of six months, shall submit the application at the time of proceeding on such leave.

NOTE 1.—This rule is intended to obviate delay in the settlement of claims for pension and to ensure that an officer may not retire under the misapprehension that he has earned a pension which is subsequently found to be inadmissible There is indeed no limitation on the period after retirement within which an application for pension or gratuity must be submitted; but in the absence of special orders, a pension applied for after the officer has retired begins from the date of application. (*See* Article 930.)

NOTE 2.—The authority competent to sanction pension to a Government servant, who dies after retirement, but before making formal application for pension, may relax the provisions of Articles 907, 911, 914, 917 (*a*) (ii) and 930 Civil Service Regulations and sanction pension and/or gratuity to the Government servant from the date of retirement upto and inclusive of the date of his death as if he had made a formal application before retirement, provided that the time-lag between retirement and death does not exceed six months. A pension and/or gratuity sanctioned in such cases may be paid to the heirs of the deceased in accordance with the normal provisions of the rules In cases where the time-lag exceeds six months, they should be referred to the Finance Department for a decision.

(G.O. Ms. No. 1117, Finance, dated 19th October 1957.)

908. The Audit Officer shall send to every gazetted officer a copy of Articles 907 to 911 one year in advance of the date on which the officer attains his age of superannuation, or as soon as possible before the date from which he has formally sought permission to retire, if earlier, with the remark that there is likely to be delay in the commencement of his pension if he does not submit a formal application as soon as the rules permit.

909. Questions affecting the pension or pensionable service of an officer which for their decision depend on circumstances known at the time shall be considered as soon as they arise.

Any question which for its decision depends on possible circumstances that may arise in future or on hypothetical conditions may be raised or discussed as soon as the permissible period for submission of formal application for pension under Article 907 begins.

Ruling.

The following might be raised and considered as soon as they arise, instead of being postponed until the officer concerned retires or is about to retire:—

(1) Eligibility for new pension rules (Article 349-A).

(2) Counting of military service for pension (Articles 356 and 357-A).

(3) Counting of service for superior pension (Article 398 and 399).

(4) Counting of the period spent in training for pension (Article 411).

(5) Counting of the period of suspension for pension (Article 417).

(6) Counting of past service of a dismissed officer reinstated (Article 419).

(7) Commutation of periods of absence without leave into leave without allowances (Article 421).

(8) Condonation of interruption in service (Article 422).

(9) Eligibility for special additional pension (Articles 475 and 475-A).

[Government of India, Finance Department, No F 6 (37)-R II/36, dated 7th May 1936, G O No. 798, Finance (Pension), dated 11th September 1936, A.-G.'s Case P.V No. 6-9 of 1936-37.]

910. Except in cases covered by the first sentence of the preceding article or in individual cases under specific orders of the Government of India or the Local Government, an Audit Officer may not give advice upon any questions connected with the claim of an officer to pension until the permissible period prescribed in Article 907 for the submission of formal application for pension begins.

Ruling.

A Government servant who desires to take leave preparatory to retirement should be treated as "about to retire" for the purpose of this article.

(Comptroller and Auditor-General's letter No. 2-Admn. 1035-E. 26, dated 6th January 1927; A.-G.'s Pen. Mis. No 3-22 of 1926-27.)

Section II—Applications.

A.—Gazetted Officers.

911. A gazetted officer shall submit a formal application for pension to the Head of the Department. If the officer is himself the Head of the Department, he shall submit the application (in Form No. 1) direct to the Local Government, no formal application being necessary.

NOTE.—The following certificate shall be recorded by the applicant on the application:—

I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and to the orders which may be passed thereon.

912. (i) The authority receiving the formal application shall immediately draw up the application (in Form No. 1).

(ii) He shall certify whether the character, conduct and past services of the applicant are such as to entitle him to the favourable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

(iii) All periods of leave, suspension, etc., which are not reckoned as service should be carefully recorded in the form (Form No. 2.).

(iv) If the application is for an invalid pension, the requisite medical certificate shall be attached to the application.

NOTE.—If the medical examination of the applicant was not conducted on the date on which he ceased to perform duty, the authority competent to sanction the pension may accept a medical certificate bearing a later date.

913. (*a*) After completing the application in the manner prescribed in the preceding article it shall be forwarded along with the necessary documents to the Audit Officer through the authority empowered to sanction the pension.

(*b*) If the applicant for pension (not gratuity) is no longer in active service, a last pay certificate shall be attached to the application except when he retires from service while on leave out of India and draws his leave salary at or through the Home treasury and also desires to draw his pension from the same source.

(*c*) The authority competent to sanction the pension shall record on the application after due consideration of the facts of the case his provisional recommendation stating whether the pension claimed should be admitted or not.

(*d*) In the case of an officer part of whose service has been rendered in non-gazetted posts, the service book and the statement of non-gazetted service in Form No. 2 duly verified by the Audit Officer under the provisions of Article 915, shall also accompany the pension papers sent to the Audit Officer.

B.—NON-GAZETTED OFFICERS.

Verification of service.

914. A non-gazetted officer shall submit a formal application for pension to the head of the office.

915. On receipt of the formal application, the head of the office shall immediately prepare a statement of the applicant's services in Form No. 2 and arrange to verify them according to the following procedure:—

(*a*) (i) In the case of an officer for whom a service book is maintained, if the service has been partly inferior (regarding which service, the records of the Audit offices

are sometimes incomplete) all the information procurable shall first be gathered from official records. In respect to superior service, it will be sufficient to gather, in the first place, only such information as is easily procurable.

The information thus received shall then be forwarded to the Audit Officer concerned along with the statement. The Audit Officer shall check the statement by his office records and furnish the necessary certificate of verification.

(ii) If there is any discrepancy, the Audit Officer shall detail the nature of such discrepancy, for instance, that the post which the applicant is stated to have filled during a certain period is shown in the Audit office records to have been filled by another person. The authority submitting the statement shall settle such discrepancy to the satisfaction of the Audit Officer before allowing the disputable service to count for pension.

(iii) If the service claimed cannot be wholly verified from the records of the Audit offices, reference shall be made to the head of the office in which the applicant is shown to have served during the period in doubt, unless the service in question has already been verified and a certificate of verification recorded in the service book.

(iv) If it be found impossible to verify the service otherwise, a written statement of the applicant shall be taken on plain paper [*see* Indian Stamp Act-II of 1899, Schedule I, No. 4 (*c*)] and such collateral evidence as may be procurable shall be collected, for instance, certificates such as those given by an officer to the subordinate on his leaving the office and the testimony of contemporary Government servants.

NOTE.—The power to admit service verified under this clause may be exercised by all subordinate authorities that are empowered to sanction pensions under these rules.

(*b*) In the case of an officer for whom a service roll is maintained (under subsidiary rule 11 in Annexure II—Part III of Fundamental Rules) the services, unless they have already been verified and a certificate of verification recorded on the service roll, shall be verified with reference to pay bills, acquittance rolls or other relevant records, the procedure prescribed in sub-clause (iv) of clause (*a*) being adopted, where necessary.

NOTE 1.—The procedure prescribed in clause (*b*) applies *mutatis mutandis* to runners, boatmen and coolies in Post offices for whom neither service books nor service rules are maintained.

NOTE 2.—In the case of Police officers of rank not higher than head constables, the District Superintendents of Police may, without previous reference to the Audit Officer, allow claims to pension for the period only of continuous and verified service in the force in which at the time of application they are serving if the pension is admissible under the strict letter of the rules. A report with the necessary particulars of identification will be made to the Accountant-General. All other claims will be treated under the ordinary rules.

[G.O. Ms. No. 228, Finance (Pension), dated 27th February 1950.]

916. The preparation of the service statement and the verification of service in the manner set out in the preceding article shall be undertaken by the head of the office as soon as it becomes known that an officer will retire within a period of six months or has proceeded on leave preparatory to retirement and shall not be delayed till the officer has actually submitted the formal application for pension.

917. (*a*) (i) After completing the verification in the manner indicated in Article 915, the Head of the Office shall draw up the application in Form No. 1.

(ii) He shall also follow the directions contained in clauses (ii) to (iv) of Article 912 and obtain the certificate referred to in the note below Article 911 from the Government servant on a separate sheet of paper which shall be attached to the application form.

(iii) In any case in which it becomes necessary to resort to the procedure prescribed in sub-clause (ii) of clause (*a*) of Article 915, he shall record on the application the exact nature of the investigation made and the conclusions arrived at.

(*b*) He shall then arrange, with the application, all the documents relied upon for the verification of the service claimed in such manner that they can be conveniently consulted, and forward them together with the officer's service book, or service roll, as the case may be, and the statement in Form No. 2 duly completed up to date [and the last pay certificate if necessary—*See* Article 913 (*b*)] through the authority empowered to sanction the pension to the Audit Officer.

(*c*) The authority competent to sanction the pension shall follow the procedure indicated in clause (*c*) of Article 913.

Rulings.

1. Whenever an officer of the Land Revenue Department employed in an office, subordinate to a Divisional Officer applies for pension or whenever it is thought desirable to retire him, the immediate head of his office should prepare a draft application for pension and forward

it with the officer's service register to the Collector through the Divisional Officer who will address the Collector for orders. The Collector after due scrutiny and such further enquiry as may be necessary and after satisfying himself that all information is ready for the immediate completion of pension application, will pass final orders as to the date from which the officer should retire or be pensioned and return the service register to the Revenue Divisional Officer communicating the order to give effect to it The final application for pension will be prepared in the Collector's office and submitted to the Collector for signature. This procedure would prevent delay in submission of pension applications and guard against officers being retired who may have yet few months to complete service entitling them to a higher rate of pension.

2. In regard to periods of service which cannot be verified from office records, such as pay bills, acquittance rolls, etc., an affidavit of the officer concerned and evidence of his contemporary employees should be taken as occasion arises and attached to the service book, with the opinion of the then head of office, as to whether the period in question should be admitted or not.

NON-GAZETTED OFFICERS—FORMAL APPLICATION.

I Before despatching an application for pension or gratuity to the Accountant-General, the head of an office should satisfy himself that the application has been prepared in conformity with the instructions in Form No. 5 and those given below:—

(1) *Age* as given in the service book, if subsequently amended, should be supported by an order of Government or other competent authority approving the alteration.

(G.O. No. 7455-P., Finance, dated 24th December 1907.)

(2) *Applications.*—If the applicant has already received a gratuity or is in receipt of a pension, whether gratuity or pension is granted in lieu of Civil pension or not, the certificate should be suitably modified so as to include the following particulars:—

(*a*) Nature and amount of pension,

(*b*) the period of service in respect of which it is paid, and

(*c*) by whom it is paid.

[Government of India, Letter No. F. 210-C.S.R./24, dated 18th October 1926, and F. 347-C.S.R./27, dated 6th September 1927, recorded respectively, in G.O. No. 694, Finance (Pension), dated 9th December 1926, and G.O. No. 927, Finance (Pension), dated 23rd September 1927, A.-.G.'s Case Pen. Mis. No. 3-19 of 1926-28.]

(3) *Character and conduct.*—State merely good, bad, fair or indifferent without remarks, which should be added only when absolutely necessary to a right understanding of the case.

(4) *Compensation pension owing to reduction of establishment.*—State why employment not found elsewhere and what the amount of savings effected is.

(5) *Delay*—Explain any delay beyond a month in the submission of the application.

NOTE.—In every case in which an interval of more than six months occurs between the date of retirement of a subordinate and the issue of a pension order, a report shall, after the issue of the order, be submitted to Government by the Audit Officer concerned with the explanation of all officers or authorities responsible for the delay.

[G O No. 581, Finance (Pension), dated 29th October 1909]

(6) *Foreign service* should, in every case, be supported by the Government Order sanctioning the transfer and a memorandum of the contributions paid.

(7) *History of service*—(*a*) Give date, month and year of the various appointments, promotions and cessations For the purpose of adding togther broken periods, a month is reckoned as thirty days.

(*b*) When the applicant is acting state his substantive appointment.

(*c*) All periods not reckoned as service should be distinguished and reasons for their exclusion given in the remarks column.

(8) *Identification marks.*—Specify a few conspicuous marks, not less than four if possible.

(9) *Resignation of service.*—(*a*) The head of the office should state its cause when it involves a break of service.

(*b*) The head of the office should also state (1) whether he is in favour of condonation of such break and (2) if he is, whether with or without a reduction of the pension or gratuity, otherwise admissible.

(10) *Retirement date.*—Service book, application and last pay certificate should correspond.

(11) *Verification.*—In the column 'how verified' in the history of services, note the class of records against the entries, such as pay bills, acquittance rolls, etc.

NOTE.—If certificates of verification of the service of an applicant for pension have been recorded in the service book from year to year, the periods of such service need not again be verified from pay bills, acquittance rolls, etc, at the time of preparation of his pension application.

(G.O. No. 613, Pension, dated 21st October 1912.)

OFFICER UNFIT FOR FURTHER SERVICE.

II. Where the immediate head of an office subordinate to the Divisional Officer finds an officer unfit for service and his examination by a medical officer is considered imperative, he should at once report the fact to the Divisional Officer forwarding a draft application for pension or gratuity, as the case may be, along with the Service Register. The Divisional Officer will forthwith send them to the Collector who after such further inquiry (if any) as may be necessary and after satisfying himself that the pension or gratuity application is ready for signature, will return the application to the Divisional Officer. On receipt of this application (but not till then) the Divisional Officer will address the Medical Officer requesting him to examine as to his fitness or otherwise for further service. A copy of his letter to the Medical Officer should

be sent to the Collector. Immediately on receipt of the Medical Officer's certificate, the Divisional Officer will issue the necessary orders in case the officer is declared fit. In case the certificate declares him to be unfit for further service, the Divisional Officer will, without delay forward it to the Collector, who will pass orders for the immediate preparation of the final application for pension or gratuity and communicate them to the Divisional Officer so that effect may be given thereto, by dispersing with the Officer's services from the date of the Medical Certificate. The pension or gratuity application will be prepared without delay in the Collector's office and the Collector's signature to it obtained. As soon as the application for pension or gratuity is submitted to the Accountant-General the Collector will inform the Divisional Officer. The Divisional Officer, will, if in any case, there appears to be undue delay in the submission of pension applications (i.e., if there is delay of more than a month in receipt of the information from the Collector), invites the attention of the Collector to the delay in order to avoid the chance of a pension application, being mislaid.

III. This procedure, should be strictly observed so that in future there may be no delay in the submission of pension applications to Government. The Collector should warn all Tahsildars and Deputy Tahsildars that he will hold them personally responsible for neglect or disobedience in respect of these orders.

IV. This procedure should be followed also by officers of the other departments. The heads of the Departments should nominate some officer of their respective departments for the due performance of the duties described in paragraph II above and should also define for their respective departments the term 'Head of the Office' as used in these rules.

V. The Heads of Departments have been requested personally to carry out the instructions issued in G.O. No. 38, Finance (Pension), dated 6th March 1919. They are required to give particular attention to the question of the scrutiny and periodical inspection of service books, and to punish suitably officers who fail to attend to their duties in this connexion, as the delay to the disposal of applications for pension is apt to inflict extreme hardship upon deserving Government officers on their retirement.

[G.O. No. 246, Finance (Pension), dated 11th July 1923.]

VI. To prevent delay in payment of a compassionate allowance to Officers removed from service owing to delay in the submission of a formal application for admission to pension, the Government of India have decided that the following procedure should be adopted in future in cases relating to officers subject to the rule-making control of the President of the Republic of India:—

(1) On receipt of the orders of the competent authority removing an officer from service for misconduct, insolvency, or inefficiency, the head of the office, if he proposes to recommend the grant of a compassionate allowance should fill in the first page of the application for

pension in Form 1 * or the first and second pages of Form 26 † (in Appendices to the Civil Service Regulations), as the case may be, and send it to the Audit Officer concerned for report on the title to pension. The head of the office should not wait for an application in Form 26 signed by the officer

(2) If the competent authority in issuing orders of removal states that a certain proportion of the invalid pension is to be granted as compassionate allowance no further sanction to pension is necessary and all that is required is that the Audit Officer should certify to the admissibility of the pension on a pension application completed and signed by the head of the office as provided in (1) above.

(Government of India, Finance Department, No. F-3-X-R II-34, dated 3rd May 1934, A.-G.'s Case P V. No. 6-5 of 1934-35.)

NOTE.—The Andhra Pradesh Government do not propose to make any change in the procedure followed in the grant of compassionate allowance to members of State Subordinate and Specialist Services

[G.O. No. 525, Finance (Pension), dated 11th August 1934, filed in A-.G.'s P.V. No. 6-5 of 1934-35.]

VII. (1) If an applicant for pension or gratuity is dead at the time of submission of his pension application, or if he be insane and incapable of managing his affairs himself, the facts should be stated on the third page of the application.

(2) Application for pension from Deputy Collectors should be submitted to the Accountant-General through the Board of Revenue, Land Revenue and Settlement.

[G.O. No. 224, Finance, dated 20th July 1925; A-.G.'s Pen Mis No. 3-16 of 1925-26; G.O. Ms. No. 564, Finance (Pension), dated 1st December 1925.]

SUBMISSION TO GOVERNMENT.

VIII. (1) The head of a department or office may, unless he has good reason for supporting it, withhold an application for a pension or gratuity which is by rule inadmissible. Where the power to sanction pensions has been delegated, the delegation should be held to include power to refuse a pension, subject to the applicant's right of subsequent appeal.

[G.O. No. 482, Finance (Pension), dated 16th November 1929; A.G.'s Case No. Pen. Mis. 3-14 of 1920-21.]

(2) The power to sanction pension to Head constables including Havildar-Majors, Police constables and Sub-Inspectors has been delegated to the District Superintendents of Police.

(G.O. Ms. No. 3043, Home, dated 26th July 1949.)

Section III—Sanction.

918. (1) On receipt of the pension papers passed on to him under the provisions of Article 913 or 917, the Audit Officer shall apply the requisite checks. If in cases in which the authority competent to sanction the pension has recorded its provisional recommendation under clause (*e*) of

* Of the Andhra Pradesh Pension Code. † Not printed.

Article 913 or 917, the Audit Officer finds that the claim is in order, he shall prepare the payment order forthwith but not issue it more than a fortnight in advance of the date on which the officer is due to retire, intimating the fact of issue to that authority. In other cases, he shall certify as to the correctness of the calculation of service and pension and return the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case. He shall retain the last pay certificate (*see* Articles 913 and 917) unless the pension is to be paid in another circle of audit in which case he shall forward the certificate to the Audit Officer of that circle along with a copy of the order sanctioning the pension.

NOTE.—If the pension papers are plainly incorrect or incomplete, the Audit Officer shall return them promptly for correction or explanation.

In the column in the second page of Form 25 reserved for the remarks of the Audit Officer or in his certificate and report on the third page of that form, he shall note briefly his reasons for disallowing any service claimed, and his explanation of any apparent discrepancies, etc.

(2) In his report of the amount of pension admissible, the Audit Officer shall always call special attention to Articles 470 and 920 (1).

919. (1) A pension which is certified by the Audit Officer to be clearly and strictly admissible under the rules shall be sanctioned—

(*a*) in any case, by the Local Government.

(*b*) in the case of non-gazetted officers, by the officer who has the authority to fill the appointment vacated by the retiring officer.

NOTE.—A Local Government may delegate its powers under this article to Heads of Departments, and other subordinate officers who are authorized to fill the appointment vacated by the retiring officer.

(2) The sanctioning authority has the special responsibility of ensuring that orders sanctioning the pension are sent to the Audit Officer in time enough to enable him to issue the pension payment order not later than the date on which the officer is due to retire. Orders sanctioning the pension may issue not more than one month in advance of the due date of retirement and the Audit Officer may issue the pension payment order not more than a fortnight in advance thereof.

920. (1) Should the amount of pension granted to an officer be afterwards found to be in excess of that to which he is entitled under the regulations, he shall be called upon to refund such excess.

NOTE.—For the purpose of this article, a declaration, as specified below, shall be obtained from the retiring officer or a member of his family or his legal heir/s as the case may be, by the authority sanctioning the pension/family pension/service gratuity/death-cum-retirement gratuity/arrears of pension or gratuity —

Whereas the... ...... (here state the designation of the officer sanctioning the pension/family pension/service gratuity/death-cum-retirement gratuity/arrears of pension or gratuity) has consented to grant me/us the sum of Rs . . . .a month as the amount of my pension/family pension and/or the sum of Rs .. . ... .as the amount of service gratuity/death-cum-retirement gratuity/arrears of pension or gratuity due to Sri/Smt.. ... . .. (here give the name and designation of the Government servant). I/We hereby acknowledge that in accepting this amount, I/We fully understand that the pension/family pension/service gratuity/death-cum-retirement gratuity/arrears of pension or gratuity due to Sri/Smt .. .. is subject to revision on its being found to be in excess of that to which I/We am/are entitled under the rules, and I/We promise to base no objection to such revision I/We further promise to repay any amount advanced to me/us in excess of that to which I/We may be eventually found entitled.

(G.O. Ms. No. 1031, Finance Department, dated 22nd June 1959.)

(2) If after the pension report was made by the Audit Officer any event occurs which necessitates recalculation of the amount of pension, the fact shall be promptly reported to the Audit Officer by the Head of the Department or the Head of the Office, as the case may be. If no such event has occurred the fact shall nevertheless be reported to the Audit Officer within a week from the date on which the officer retires.

921. (*a*) If any interpretation of the rules is involved or if any indulgence not provided for by the rules is proposed, the Local Government shall, unless they are competent to dispose of the matter, submit the case with their opinion and recommendation, to the Government of India in the Administrative Department concerned.

NOTE.—In respect of such recommendations, see orders printed as Appendix 9.*

(*b*) Until the orders of the Government of India are received, a recommendation for any special indulgence shall never be communicated, directly or indirectly, to the officer concerned.

(*c*) An application in Form 1, together with the statement of service in Form 2, or in ‡ Form 22, as the case may be, shall accompany every special recommendation made under this Article.

* Refers to Appendix to the C.S.R.—Not printed. ‡ Not printed.

Rulings.

1. Cases in which any apparent objection to the grant of pension exists or any concession which is not within the powers of the authority or officer sanctioning the pension is prayed for or recommended, should continue to be submitted through the proper channel for the orders of the Government.

2. Where an officer has charge under different designations of more than one office as is the case, for instance, with the Director of Public Instruction as Commissioner for Government Examinations and certain Collectors as Political Agents, the powers granted to him in sanctioning pension extend to all the offices of which he holds charge.

[G.O. No. 269, Finance (Pension), dated 3rd June 1910.]

3. Presidents of district boards may sanction pension or gratuity admissible under rule 93 of the Local Boards Manual to Local Fund servants whose appointments do not require the sanction of Government, provided that such claims are certified by the Accountant-General to be admissible under the strict letter of the Civil Service Regulations.

(G.O. No. 460 L, dated 8th April 1910.)

4. This ruling does not refer to applications for gratuities in special cases falling under rule 103 of the Local Boards Manual. Applications of this kind should, when they are beyond the sanctioning powers of the President, District Board, be submitted to Government in the Health, and Local Administration Department direct.

(G.O. No. 924 L., dated 30th July 1910.)

5. The Government of India have ruled that the officer who has the authority to fill the appointment referred to in this article need not necessarily be a Government servant and that the non-official president of a district board will be competent to sanction pensions in the case of officers whose appointments he is competent to fill up provided that the pension is certified by the responsible Audit Officer to be clearly and strictly admissible under rule.

(Government of India, Department of Education, No 27, dated 5th November 1919, communicated in Government of India, Finance Department, No. 1425-C.S.R., dated 2nd December 1919.)

6. The orders contained in G.Os. No. 261, Pension, dated 21st April 1908, and No. 1909, Pension, dated 14th November 1907, merely prescribe that a pension may be sanctioned by certain officers in cases in which a responsible Audit Officer certifies it to be admissible under rule; they do not require that the Audit Officers should report on claims to pension which heretofore they have not reported on.

(Government of India, Finance Department, No. 2944-P., dated 7th July 1908; G.O. No. 454-P., dated 20th July 1908.)

7. Article 918 (1) provides that in clear cases, it is not necessary for the Audit Officer to send a certificate to the sanctioning authority as to the correctness of the calculations of service and pension, while, in other cases, he has to do so. Article 919 says that a pension which is certified by the Audit Officer to be clearly and strictly admissible under

the rules shall be sanctioned by the authority competent to do so. This has given rise to the wrong impressions that formal sanction is not necessary in a case in which the Audit Officer does not send a certificate to the sanctioning authority, but merely issues a pension payment order as prescribed in Article 918 (1). The procedure prescribed in this article was introduced solely in order to avoid hardship to a pensioner caused by undue delay in the observance of all the necessary formalities and the issue of a pension payment order under this procedure does not obviate the need for the issue of formal sanction to the pension by the competent authority under Article 919. The payment authorized by the Audit Officer is only provisional, and formal sanction to the pension has to be issued by the competent authority in every case.

Before a pension is finally sanctioned, the competent authority should take into account the provisions of Articles 470 and 920 (1), Civil Service Regulations.

Section IV—Anticipatory.

PENSIONS.

922. (*a*) When an officer whose pension is payable in India is likely to retire before his pension can be finally assessed and settled in accordance with the provisions of the preceding section in this chapter, the Audit Officer shall sanction the disbursement of pension to which, after the most careful summary investigation that he can make without delay, he believes the officer to be entitled, provided that such disbursement shall be made only after the declaration specified below has been signed by the retiring officer:—

Whereas the (here state the designation of the officer sanctioning the advance) has consented provisionally to advance to me the sum of Rs. a month, in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension, I hereby acknowledge that, in accepting this advance, I fully understand that my pension is subject to revision on the completion of the necessary formal enquiries, and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled.

NOTE.—If the sanction to pension under this clause is given by an Audit Officer, other than the Accountant-General, he shall send a copy of his order to the Accountant-General for the issue of the requisite orders for disbursement from the treasury concerned.

(*b*) When an officer whose pension is payable in England is likely to retire before his pension can be finally assessed and settled, the Audit Officer shall, after the most careful summary investigation that he can make without delay, report to the High Commissioner for India, through the authority competent to sanction the pension and the State Government, the minimum amount to which he believes the officer to be entitled. The High Commissioner shall then, on receiving from the officer a declaration similar to that referred to in clause (*a*), at discretion, sanction the immediate disbursement of the amount reported or such smaller amount as may be deemed proper.

923. If the Audit Officer considers it likely that, in a case contemplated by clause (*a*) or (*b*) of the preceding article, the officer would be entitled to a gratuity only, one-sixth of the amount of such probable gratuity should, upon a similar declaration, be disbursed to him monthly until the amount is finally settled.

924. The payment of the anticipated pension should be so arranged that it is not delayed beyond the first day of the month following the month in which the officer is due to retire.

925. If, upon the completion of regular investigation, it be found that pension thus summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payment :

Provided that, if a gratuity summarily assigned, under Article 923 proves to be larger than the amount found actually due upon completion of the enquiries, the officer shall not be required to refund any excess actually paid to him, except as provided in Chapter XXI.

926. To enable the Audit Officer to exercise the jurisdiction entrusted to him under Article 922, the authority whose duty it is to sanction the pension, if he sees reason to believe that the pension cannot possibly be sanctioned by the date on which the officer is due to retire, shall furnish to the Audit Officer without delay the fullest information regarding the officer's services, the probable amount of pension, etc., unless the pension papers containing such information are already in the possession of the Audit Officer.

927-929. *Cancelled.*

Chapter XLVIII—Payment of Pensions.

Section I—General Rules.

930. Apart from the special orders, a pension, other than a * wound or extraordinary pension under Part VI, is payable from the date on which the pensioner ceased to be borne on the establishment or from the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The rule may be relaxed, in this particular, by the authority sanctioning the pension when the delay is sufficiently explained.

The pension of an officer who, under Article 436, has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.

931. The preceding Article applies to ordinary, not to special, cases. If, under special circumstances, a pension is granted long after an officer has retired, retrospective effect should not be given to it without the special orders of the Government which granted it; in the absence of special orders, such a pension takes effect only from the date of sanction.

932. *Omitted.*

933. *Cancelled.*

933-A. *Omitted.*

934. A pension stated in rupees is payable at any Indian Government treasury in or out of India, or at the option of the pensioner,

(i) at or through the Home treasury, or

(ii) elsewhere by any of the authorities mentioned in Appendix 9.

Pensions drawn from source (i) or (ii) above are converted into sterling at such rate as the Secretary of State may prescribe :

Provided that save where a pensioner resides in India (which for the purpose of this Article and Articles 934-A, 934-B, 934-C, 934-D and 935 shall be deemed to include Burma, Ceylon, Nepal and the French and Portuguese establishments in India) the minimum rate of conversion shall be 1/9 per rupee.

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* The rules have been superseded by the Extraordinary Pension Rules, Andhra Pradesh (vide Appendix I.)

934-A. A pensioner who has been residing in India and who proceeds to a place outside India with the object of taking up residence there, shall be entitled to convert his pension at the minimum rate only from the date when he quits India.

934-B. A pensioner who within six months of his retirement leaves India with the object of taking up residence elsewhere shall be entitled to convert his pension at the minimum rate from the date to which it has been paid in India or, if no payment has been made there, from the date of its commencement.

934-C. A pensioner who has been allowed to convert his pension at the minimum rate and who returns to India and continues to draw his pension at or through the Home treasury or from any of the authorities mentioned in Appendix 7 shall be allowed the benefit of the minimum rate for six months from the date of such return.

934-D. The pension of any pensioner who is entitled to the minimum rate and who has commuted any portion of his pension after the 4th December 1928 shall be converted at the rate of exchange prescribed by the Secretary of State and to the resulting pension shall be added, so long as he remains entitled to the minimum rate, the difference between the values of the full pension (less any portion commuted before the 5th December 1928) converted at that rate and at the rate of exchange prescribed by the Secretary of State respectively.

935. The minimum rate shall apply to gratuities paid to persons residing outside India, but where the service of an officer to whom a gratuity is granted terminates in India, his gratuity shall be paid in India.

NOTE.—The concession of payment at the minimum rate or conversion of 1s. 9d. per rupee indicated in Articles 934, 934-A to 934-D and 935 shall not be admissible to those officers who entered service after the 9th September 1949.

TRANSFERS BETWEEN ENGLAND AND INDIA

936. Transfer of a pension from an Indian treasury to the Home treasury and *vice versa* is permitted within reasonable limits whenever desired.

NOTE.—(Frequent transfers of a pension to and fro are not permissible and the Accountant-General concerned should report to the Government of India, for special orders, any case in which it appears to him that undue advantage is being taken of the rule.)

937. Application for transfer of payment from India to the Home treasury should be made to the Accountant-General within whose jurisdiction the treasury of payment is, who will grant a last-pay certificate, forwarding a duplicate, with a copy of the first page of the application upon which the pension was originally granted, to the High Commissioner for India.

Section II—Payment in India.

938. (*a*) The order granting a pension to be paid in India should be forwarded with a copy of the first page of the application in Form 3, or of the whole application if in Form B of Appendix I, to the Audit Officer who submitted the application. He should compare the order with his report and then forward a copy thereof to the Accountant-General of the province in which payment is to be made.

(*b*) In the case of persons for whom the forms referred to in clause (*a*) are not used, the information required for the Pension Payment Order should be communicated in a separate letter to the Accountant-General of the province where payment is to be made.

(*c*) In the case of pensions to Police officers of rank not higher than head constable, sanctioned under Note 2 under Article 915 (*b*), the order should be forwarded to the Audit Officer who would have reported on the claim had his certificate not been dispensed with. He will exercise the necessary check with reference to Article 920 (1) and endorse it as in clause (*a*) above.

939. The Accountant-General of the State in which payment is to be made will then communicate to the officer who is to pay the pension authority to make the payment : in the case of a pension, such authority will be a Pension Payment Order.

Rulings.

PAYMENT TO MYSORE, TRAVANCORE AND COCHIN SERVICE PENSIONERS FROM GOVERNMENT TREASURIES.

C.S.R.—939 Note.

1. The Government of India have sanctioned the proposal of the Resident in Mysore that the Mysore State may be exempted from the

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Footnote to Article 939—

Footnote.—Special form of bills will be used in the following cases instead of the forms prescribed for drawal of " Superannuation and Retired Allowances ":—

1. Territorial and Political pensions.
2. Assignments and compensations.
3. Account Current with Indian States.
4. Colonial Government Pensions.

operation of the ruling restricting the payment of pensions from Government treasuries on behalf of Native States

(Government of India, Finance Department No. 1471. dated 19th June 1885)

2. The Government of India have sanctioned as a special case, the request preferred by the Travancore and Cochin Governments, that pensioners of the two States residing in the Andhra Pradesh State may be permitted to draw their pensions from the Indian treasuries nearest to their place of residence, the payments being subsequently recovered from the States.

(Government of India, No 3871-P., dated 30th July 1909 and G O No 343, Political, dated 4th August 1909-A.G 's case Pen Mis. No. 12-3 of 1909-10)

NOTE —The transfer of payment of these pensions outside Andhra Pradesh State is not admissible.

(Letter Pen. Mis. No. 11210-21, dated 15th April 1926. A G.'s Case Pen. Mis No. 12-61 of 1926-27.)

PROCEDURE IN PAYING.

940. A gratuity is paid in a single sum, and not by instalments, on receipt of the Accountant-General's authority.

Ruling.

A compassionate gratuity may, however, be paid in instalments in order to defray the educational expenses of children of the deceased Government servants.

[G.O No. 498, Finance (Pension), dated 22nd August 1941.]

941. (*a*) A gratuity may, at the discretion of the Government of India or with the sanction of the Government of India on the application of the recipient, be converted either into a life annuity, or into a temporary life annuity, or into an annuity payable for a fixed number of years with remainder to the annuitant's heirs in case of his death. The amount of the life annuity will be determined by the table prescribed by the Governor-General in Council under the "Civil Pensions (Commutation) Rules," while that of the temporary life annuity will be determined in each case in consultation with the Actuary to the Government of India on the assumption of the same rates of interest and mortality on which the table prescribed by the Governor-General in Council under the "Civil Pensions (Commutation) Rules" is based.

(*b*) A State Government may exercise the power of the Government of India under clause (*a*) of this article in respect of gratuities sanctioned by it or by an authority subordinate to it.

942. The Government of India or a State Government will never insist on the conversion of a gratuity into an

annuity, unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

943. A pension is payable in India monthly on and after the first day of the following month under the following rules:—

(1) On receipt of the pension payment order, the disbursing officer will deliver one-half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto.

(2) Each payment made is to be entered on the reverse both of the pensioner's half and of the disbursing officer's half of the pension payment order, both entries being attested at the time of payment by the signature of the disbursing officer.

(3) A pension is payable for the day on which the pensioner dies.

(4) In regard to the liability of pensions to attachment by a civil court, see section 11 of Act XXIII of 1871, which runs as follows:—

"*Section* 11.—No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due, or to become due, on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any court in British India at the instance of a creditor for any demand against the pensioner or in satisfaction of a decree or order of any such court."

944-952. *Omitted.*

CERTIFICATE OF NON-EMPLOYMENT.

953. (*a*) A pensioner drawing pension in India is required to append to his bill a certificate as follows:—

"I declare that I have not received any remuneration for serving in any capacity either under Government or under a local fund, during the period for which the amount of pension claimed in this bill is due."

(*b*) In the case of a pensioner permitted under Chapter XXI to draw pension after re-employment, this certificate should be modified according to the facts.

(*c*) In the case of a pensioner, drawing his pension through an agent, who has executed a bond of indemnity, as required by Article 42 of the Civil Account Code, the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish, once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificates.

Ruling.

The certificate to be furnished by a gazetted Government servant under the above rule should be modified to cover also non-employment under a Government outside India. For a period of two years from the date of retirement, it should, however, provide in addition that the pensioner has not accepted employment in commercial or private fields.

(G.O Ms. No. 1057, Finance, dated 26th September 1949)

NOTE.—Rules regarding identification of pensioner, payment to agents, transfers in India, renewal of pension payment order lapses and forfeiture and deceased pensioners, etc , will be found in the subsidiary rules and instructions under Treasury Rule 16 of the Andhra Pradesh Treasury Code Volume I.

954-961. *Omitted.*

Section III—Payment in England.

962. When a pension is granted to an officer who desires that payment thereof from the date of its commencement should be made at the Home treasury, the audit officer who audits the pay of the officer should, on receipt of sanction to the grant of pension, issue a last-pay certificate, and forward to the High Commissioner for India a duplicate thereof, together with a copy of the first page of the application for pension and of the order of the Local Government or other authority granting the pension. The forwarding letter should always request that payment be made from some specific date, the date being ascertained from the last-pay certificate.

963. If the pension is not wholly chargeable against the general revenue, care must be taken to state in the certificate how it is to be charged.

964. The annuities and pensions of all officers are issued at the Home treasury monthly in arrear on the 16th day of each calendar month.

They are made up to the following quarterly dates, viz., to the 15th March, 15th June, 15th September and 15th December; and they are paid in monthly instalments,

the first two instalments in each quarter being the net amount accrued, omitting shillings and pence, and the third instalment being the balance due for the quarter.

965. Intimation of any revision of a pension paid at the Home treasury should be made to the High Commissioner for India, so as to reach him before the pensioner is informed.

Section IV—Payment in a Colony

966. The pension of a pensioner residing in any colony named in Appendix 9 may be paid there, provided he is entitled to receive payments of pension in the colony under articles 934 and 987.

NOTE.—Payment of pension in a colony shall be subject to such restrictions in the matter of foreign exchange as the Government of India may, from time to time, impose.

ISSUE OF WARRANT.

967. The authority for payment of a pension in a colony shall be a warrant in Form 29* to be issued by the Accountant-General of the State to the cadre of which the retiring officer belongs.

968 & 969. *Cancelled.*

970. Every warrant shall be issued in triplicate. The original, bearing the payee's signature, should be forwarded to the colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the triplicate warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a warrant is lost or destroyed, a fresh warrant shall be issued by the officer who issued the original warrant on application being made through the colonial disbursing officer. The letter forwarding the duplicate warrant to the High Commissioner should invariably furnish the following information, viz.:—

(1) Whether the pensioner is already on leave in the colony.

(2) Date of his retirement.

(3) Date of leaving India.

(4) Date of birth.

971. *Cancelled.*

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* Not printed.

TRANSFER OF PAYMENT.

972. (*a*) Transfer of a pension from an Indian treasury to a colony, the payments in which are adjusted in the accounts of the Home treasury, is permitted only once; but a pensioner can at any time have payment transferred from a colony to an Indian treasury, or from a colony the payments in which are adjusted in the accounts of the Home treasury to England for direct payment from the Home treasury.

(*b*) In case a pensioner desires transfer of payment of his pension from one colony to another, the Government of India will recognize the proceedings of the colonial authorities sanctioning such transfer which should, however be reported separately by the pensioner to the Government of India and to the High Commissioner for India.

973. Upon his return to India, an officer should deliver up his copy of the warrant, which will serve the purpose of a last-pay certificate.

Chapter XLIX—Pensions to members of the Indian Civil Service.

Section I—Applications.

RETIREMENT WHILE ON DUTY IN INDIA.

974. A retiring officer of the Indian Civil Service shall, if he be in India, submit his application for permission to resign the service and for an annuity or gratuity to the Local Government on whose cadre he is borne at the time. If he is employed under another Local Government or under a department of the Government of India, the application should be sent through such other Local Government or department of the Government of India. The Local Government on whose cadre the officer is borne will, on receipt of the application, obtain the report of the Accountant-General upon the officer's claim in respect of service and active service. If the officer is under the audit of another Accountant-General, the Accountant-General of the province to the cadre of which the officer belongs will obtain from the other Accountant-General the information required for his report.

NOTE 1.—(When reporting on the officer's claim in respect of service and active service, the Accountant-General should send the officer a copy of Article 981.)

NOTE 2.—[As soon as an officer gives over charge of his office, the Accountant-General should furnish the following information to the Local Government, or, if the officer belongs to the cadre of another province, to the Accountant-General of that Province, who will pass it on to the Local Government:—

(1) Name of officer

(2) Date on which he made over charge of his office

(3) The amount of leave granted, if any.

(4) Date up to and including which leave allowances have been drawn

(5) What demands, if any, are outstanding against the officer. The annuity or gratuity should be sanctioned subject to the recovery of these outstandings.]

975-976. *Cancelled.*

RETIREMENT DURING LEAVE TO EUROPE.

977. (*a*) An officer who wishes to retire from the service while on leave in Europe must submit his application to the Secretary of State.

(*b*) When an officer makes his application under this Article, whether after completing his full period of service or after having been declared by the Medical Board to be unfit for further service in India, his resignation is accepted, subject to the adjustment of any demands that may be standing against him in India; and he is directed to apply to the State Government on whose cadre he was borne at the time of retirement for the annuity or gratuity to which his length of service may entitle him.

GRANT OF PENSION.

978. (*a*) The annuity or gratuity will be sanctioned by the Local Government on whose cadre the retiring officer is borne at the time of retirement.

(*b*) The copy of the sanctioning order forwarded to the officer will be his authority for drawing his annuity or gratuity.

Section II—Payment.

979. *Cancelled.*

980. The annuity of a Member of Council who has not previously resigned his seat in Council, or whose successor has not entered upon his office, commences from the day following that on which the vessel in which he leaves India sails, or from the expiry of his five years' tenure of office, whichever date is earlier.

981. An officer on resigning the service must report to the Local Government on whose cadre he is borne the place at which he desires that his annuity should be paid, and if he is leaving India, the date of departure of the vessel in which he sails.

NOTE.—[A copy of this Article should be furnished by the Accountant-General to every officer who applies in India for permission to resign with the intimation that there will be delay in the commencement of his annuity if he does not furnish the information required by this Article. (*See* also Note 1 under Article 974).]

982. Annuities are payable in arrear, monthly, and to date of decease.

983. Payment of annuities shall be made in India and in rupees:

Provided that in the case of non-Indian officers such payment may be made as under:—

(*a*) in India, in rupees.

(*b*) through the High Commissioner for India in the United Kingdom in sterling at such rate of exchange as the President may, by order, prescribe.

984. Transfer from the Home treasury to an Indian treasury, and *vice versa*, is permitted twice only.

985. Whenever a certificate is issued for the payment of an annuity from the Home treasury, the amount of the annuity must be stated in pounds sterling and not in rupees, and, in the case of transfer of payment from India to the Home treasury, it must be distinctly recorded that no further payment on account thereof will be made in India.

986. An officer who resigns the service while he is in Europe and who has completed the requisite period of service and residence and elected to draw his annuity from the Home treasury, can obtain advances from the High Commissioner for India pending receipt of the authority referred to in Article 978.

987. Payment of annuities may be made in any colony named in Appendix 9 in accordance with the procedure laid down in Articles 966 to 973.

LIST OF APPENDICES

APPENDIX 1.

THE EXTRAORDINARY PENSION RULES, ANDHRA PRADESH.

1. These rules may be called the Extraordinary Pension Rules, Andhra Pradesh.

2. These rules shall apply to all persons paid from civil estimates, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923), applies whether their appointment is permanent or temporary on time-scale of pay or fixed pay or piece-work rates, who are under the rule-making control of the State Government.

3. For the purposes of these rules unless there is anything repugnant in the subject or context,

(1) "*accident*" means—

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service;

(2) "*date of injury*" means—

(i) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the Medical Board, as the State Government may fix; and

(ii) in the case of disease, the date on which the medical board report of such earlier date as may be fixed by the State Government with due regard to the opinion of the Medical Board.

(3) "*disease*" means—

(i) venereal disease or septicæmia where such disease or septicæmia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty, or

(ii) disease solely and directly attributable to an accident,

(iii) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent or in consequence of his attending voluntarily out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties;

(4) "injury" means bodily injury resulting from violence, accident or disease assessed by a Medical Board as being not less than severe;

NOTE.—Examples of injuries of certain categories are given in Schedule I.

(5) "*pay*" means the pay as defined in rule 9 (21) of the Fundamental Rules which a person was drawing on the date of his death or injury: Provided that in the case of a person remunerated by piece-work rates, "pay" means the average earnings of the last six months ending with the date of his death or injury;

(6) "*risk of office*" means any risk, not being a special risk, of accident or disease to which a Government servant is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service.

(7) "*special risk*" means—

(i) a risk of suffering injury by violence;

(ii) a risk of injury by accident to which a Government servant is exposed in the course of, and as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office;

(iii) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicæmic patient or conducting a post-mortem examination in pursuance of that duty.

(8) "*violence*" means the act of a person who inflicts an injury on a Government servant—

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

4. No award shall be made under these rules except with the sanction of the State Government. In making an award the State Government may take into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

5. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service.

6. No award shall be made in respect of—

(i) an injury sustained more than five years before the date of application, or

(ii) death which occurred more than seven years (*a*) after the injury due to violence or accident was sustained, or (*b*) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

7. All awards under these rules shall be made in India in rupees unless the payee resides permanently, and desires payment to be made, in a country in which the rupee is not legal tender. In the latter case the amount of the award shall be paid in sterling at the exchange rate of 1*s*. 6*d*. to the rupee.

8. For the purpose of these rules injuries shall be classified as follows:—

Class A.—Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb or are of a more serious nature.

Class B.—Injuries caused as a result of special risk of office and equivalent, in respect of the degree of disablement which they cause to the loss of a limb or are very severe; or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or limb or are of a more serious nature.

Class C.—Injuries caused as a result of special risk of office which are severe, but not very severe, and likely to be permanent; or injuries caused as a result of risk of office which are equivalent, in respect of the degree of disablement which they cause, to the loss of a limb or which are very severe and likely to be permanent.

9. (1) If a Government servant sustains an injury which falls within *Class A* of rule 8, he shall be awarded—

(*a*) a gratuity of the applicable amount specified in Schedule II, and

(*b*) with effect from the date following the expiry of one year from the date of the injury,

(i) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in Schedule II for a higher scale pension; and

(ii) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in Schedule II for a higher scale pension and shall not be less than half that amount.

(2) If a Government servant sustains an injury which falls within *Class B* of rule 8, he shall be awarded—

(i) If the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount;

(ii) in other cases—

(*a*) for a period of one year with effect from the date of the injury a temporary pension the amount of which shall not exceed the applicable amount specified in Schedule II for a lower scale pension and shall not be less than half that amount and thereafter,

(*b*) a pension within the limit specified in sub-clause (*a*) if the Medical Board from year to year certifies that the injury continues to be very severe.

(3) If a Government servant sustains an injury which falls within *Class C* of rule 8, he shall be awarded a gratuity of the applicable amount specified in Schedule II, if the Medical Board certifies that the Government servant is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year:

Provided that in cases where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the State Government may award, if they think fit, in *lieu* of the gratuity a pension not exceeding the amount admissible under clause (ii) of sub-rule (2) of this rule.

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension—

(i) when the Government servant is invalided out of the service on account of the injury in respect of which the temporary pension was awarded, or

(ii) when the temporary pension has been drawn for not less than five years, or

(iii) at any time, if the Medical Board certifies that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

10. Awards shall be made to the widow and children of a Government servant as follows:—

(i) if a Government servant is killed or dies of injury received as a result of special risk of office,

(*a*) a gratuity of the applicable amount specified in Schedule III, and

(*b*) a pension the amount of which shall not exceed the applicable amount specified in Schedule III;

(ii) if the Government servant is killed or dies of injuries received as a result of *risk of office* a pension the amount of which shall not exceed the applicable amount specified in Schedule III :

Provided that, if the pay of the deceased Government servant was less than Rs. 200, the monthly pension or the sum of pensions that may be granted under this rule, shall not, irrespective of the rates (including the minimum limits) specified in Schedule III, exceed the limit of one-half of his pay; and if in any case the sum of such pensions calculated under Schedule III exceeds the limit of one-half of his pay, such a *pro rata* reduction shall be made in the amount of each individual pension as will reduce the sum to such limit.

11. (1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters, individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need:

Provided that the total amount of the awards shall not exceed one-half of the pension that would have been admissible to the widow under rule 10:

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in Schedule III for a "child who is not motherless".

(2) Any award made under sub-rule (1) of this rule will in the event of an improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as the State Government may by order prescribe.

12. (1) A family pension will take effect from the day following the death of the Government servant or from such other date as the State Government may decide.

(2) A family pension will ordinarily be tenable—

(i) in the case of a widow or mother until death or remarriage whichever occurs earlier;

(ii) in the case of a minor son, or minor brother, until he attains the age of 18;

(iii) in the case of an unmarried daughter or minor sister until marriage or until she attains the age of 21 whichever occurs earlier;

(iv) in the case of a father, for life.

13. (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) All awards involving expenditure chargeable to British revenues shall be reported without delay to the Secretary of State.

(3) When an award is made in India to a Government servant of non-Asiatic domicile a report shall be sent to the Secretary of State in order that a grant of a like nature may not be made by an authority in the United Kingdom in respect of the same casualty.

(4) When a claim for any injury pension or gratuity of family pension arises, the head of the office or of the department in which the injured, or the deceased, Government servant was employed will forward the claim through the usual channel and the Accountant-General to the State Government with the following documents:—

(i) A full statement of circumstances in which the injury was received, the disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form A, or as the case may be, the application for family pension in Form B of the forms set forth in Schedule IV.

(iii) In the case of an injured Government servant or one who has contracted a disease a medical report in Form C of the forms set forth in Schedule IV. In the case of a deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death if the Government servant lost his life in such circumstances that a medical report cannot be secured.

(5) The audit officer shall furnish a report as to whether an award is admissible under the rules and if so of what amount.

Ruling.

The Extraordinary Pension Rules, Andhra Pradesh shall apply to air journeys also, just as they apply to other modes of journeys according to circumstances of each case. An officer who travels on duty by air under proper authority and receives an injury and the family of an officer who meets with death while so travelling, shall be eligible for compensation under the Extraordinary Pension Rules, Andhra Pradesh, provided the case satisfies the other conditions in those rules. The question whether the injury or death should be attributed to "risk of office" or "special risk of office" for the purpose of grant of compensation will be determined with reference to the merits of each case.

SCHEDULE I.

[Note to clause (4 of rule 3]

CLASSIFICATION OF INJURIES.

Equal to loss of limb—

Hemiplegia without aphasia.

Permanent use of a tracheotomy tube

Artificial anus.

Total deafness of both ears.

Very severe—

Complete unilateral facial paralysis likely to be permanent.

Lesion of kidney, ureter or bladder.

Compound fractures (except phalanges).

Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent—

Ankylosis of or considerable restriction in, the movement of one of the following joints:—

Knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the dorsi-lumber or cervical sections of the spine.

Partial loss of vision of one eye.

Destruction or loss of one testicle.

Retention of foreign bodies not causing permanent or serious symptoms.

SCHEDULE II.

(Rule 9.)

INJURY GRATUITY AND PENSION.

Pay of Government servant on the date of injury.	Gratuity.	Monthly pension.	
		Higher scale.	Lower scale.
(1)	(2)	(3)	(4)
		RS.	RS.
1 Rs. 2,000 and over	Three months' pay subject to a minimum of Rs. 800.	300	225
2 Rs. 1,500 and over but under Rs. 2,000.		275	200
3 Rs. 1,000 and over but under Rs. 1,500.		200	150
4 Rs. 900 and over but under Rs. 1,000.		150	125
5 Rs. 400 and over but under Rs. 900.		100	84
6 Rs. 350 and over but under Rs. 400.		85	70
7 Rs. 200 and over but under Rs. 350		67	50
8 Under Rs. 200	Four months' pay.	One-third of pay subject to a minimum of Rs. 8 per mensem.	One-fifth of pay subject to a minimum of Rs. 4 per mensem.

SCHEDULE III.

(Rule 10.)

FAMILY GRATUITY AND PENSION

A. Widow.

Pay of Government servant on the date of death.	Gratuity	Monthly pension.
(1)	(2)	(3)
1 Rs. 800 and over .	Three months' pay subject to a minimum of Rs. 800.	One-eighth of pay subject to a maximum of Rs. 200.
2 Rs. 200 and over but under Rs 800.		One-sixth of pay subject to a maximum of Rs. 100 and a minimum of Rs. 50.
3 Under Rs. 200 . ..	Four months' pay.	One-third of pay subject to a maximum of Rs. 50 and a minimum of Rs. 8.

B. Children.

Pay of Government servant on the date of death.	Monthly pension of each child	
	If the child is motherless.	If the child is not motherless.
(1)	(2)	(3)
	RS.	RS.
1 Rs. 800 and over	40	25
2 Rs. 250 and over but under Rs. 800 .	25	13
3 Under Rs. 250	One-tenth of pay subject to a minimum of Rs. 4.	one-twentieth of pay subject to a minimum of Rs. 3.

SCHEDULE IV.

Form A.

Form of application for injury pension or gratuity.

[Rule 13 (4).]

1 Name of applicant.

2 Father's name.

3 Race, sect and caste.

4 Residence, showing village and district.

5 Present or last employment, including name of establishment.

6 Date of beginning of service.

7 Length of service, including interruptions of which superior

last grade.

non-qualifying and interruptions.

8 Classification of injury.

9 Pay at the time of injury.

10 Proposed pension or gratuity.

11 Date of injury.

12 Place of payment.

13 Special remarks, if any.

14 Date of applicant's birth by Christian era. *
15 Height
16 Marks.
Thumb and finger impression.
Thumb—forefinger—middle finger—ring finger—little finger.
17 Date on which the applicant applied for pension

Signature of Head of Office

NOTE.—(In the case of European ladies, gazetted officers, Government title holders and other persons who may be specially exempted by the State Government, thumb and finger impressions and particulars of height and personal marks are not required.)

Form B.

Form of application for family pension.

[Rule 13 (4).]

Application for an extraodinary pension for the family of A, B, late a
killed or died of injuries received, as a result of special risk of office or risk of office.
Submitted by the

Description of claimant—
1 Name and residence, showing village and district.
2 Age.
3 Height.
4 Race, caste or tribe.
5 Marks of identification.
6 Present occupation and pecuniary circumstances.
7 Degree of relationship to deceased.

Description of deceased—
8 Name.
9 Occupation and service.
10 Length of service.
11 Pay when killed.
12 Nature of injury causing death.
13 Amount of pension or gratuity proposed.
14 Place of payment.
15 Date from which pension is to commence.
16 Remarks.

Name. Date of birth by Christian era.

Name and ages of surviving kindred of deceased—
Sons.
Widows.
Daughters.
Father.
Mother.

NOTE.—(If the deceased has left no son, widow, daughter, father or mother surviving him, the word 'none' or 'dead' should be entered opposite to such relative.)

Place
Date Signature of Head of Office.

* If not known exactly, must be stated on the best information of estimate.

Form C.

Form to be used by Medical Boards when reporting on injuries

[Rule 13 (4)]

Proceedings of Medical Board.

Confidential

Proceedings of a Medical Board assembled by order of for the purpose of examining and reporting on the present state of the

$\frac{\text{injury sustained by}}{\text{disease contracted by}}$ at (place of injurv, etc ,)

on the (date of injury, etc.)

(*a*) State briefly the circumstances under which the $\frac{\text{injury}}{\text{disease}}$ was $\frac{\text{sustained}}{\text{contracted}}$.

(*b*) What is the Government servant's present condition?

(*c*) Is the Government servant's present condition wholly due to the $\frac{\text{injury}}{\text{diseases}}$. If not, state to what other causes it is attributable.

(*d*) In the case of disease from which date does it appear that the Government servant has been incapacitated?

The opinion of the Board upon the questions below is as follows:—

Part A.

FIRST EXAMINATION.

The severity of the injuiry should be assessed in accordance with the following classification and details given in the remarks column below:—

	Yes.	No
1. *Is the injury—*		
(i) (*a*) the loss of an eye or a limb?		
(*b*) the loss of more than one eye or limb?		
(ii) more severe than the loss of an eye or a limb?		
(iii) equivalent to the loss of an eye or a limb?		
(iv) very severe and likely to be permanent?		
(v) severe and likely to be permanent?		
(vi) very severe, or severe, but not likely to be permanent?		
(vii) slight but likely to be permament?		

2. *For what period from the date of the injury—*

(*a*) has the Government servant been unfit for duty?

(*b*) is the Government servant likely to remain unfit for duty?

REMARKS.—Here the classification above may be amplified, if necessary, or details of additional injuries to the main injury may be given.

Part B.

SECOND OR SUBSEQUENT EXAMINATIONS.

If the original degree of disability of the Government servant has changed, in which of the above categories should now be placed?

REMARKS.—In this space additional details may be given if necessary.

Instructions to be observed by the Medical Board preparing the Report.

1. The Medical Board before recording its opinion should invariably consult the proceedings of previous Medical Boards if any, as also all previous medical documents connected with the Government servant brought before them for examination.

2. If the injuries be more than one, they should be numbered and described separately, and should it be considered that, for instance, though only " severe " or " slight " in themselves, they represent together the equivalent of a single " very severe " injury, such an opinion may be expressed in the columns provided.

3 In answering the questions in the prescribed form, the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servants' unsupported statements and the medical and documentary evidence available

4 The Board will not express any opinion, either to the Government servant examined, or in its report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the Government servant how the injury has been classified

APPENDIX 2.

THE SUPERIOR CIVIL SERVICES (EXTRAORDINARY PENSION) RULES.

SECTION I.—PRELIMINARY.

Title, Commencement and Application.

1. (1) These rules may be called the Superior Civil Services (Extraordinary Pension) Rules, 1936.

(2) They shall come into force on the 1st April 1936.

2. These rules shall apply to all persons other than military officers serving with a Frontier Corps, the Malabar Special Police, the Eastern Rifles or the Assam Rifles, to whom the Civil Services (Classification, Control and Appeal) Rules apply, in respect of whose pensions the power to make rules is under those rules reserved to the Secretary of State in Council: provided that a military officer serving with a Frontier Corps, the Malabar Special Police, the Eastern Frontier Rifles, or the Assam Rifles on the 31st December 1942 may elect to continue to be governed by these rules.

Definitions.

3. In these rules, unless there is anything repugnant in the subject or context,—

(1) *Accident* means—

(i) a sudden and unavoidable mishap, or

(ii) a mishap due to an act of devotion to duty in an emergency arising otherwise than by *violence* out of and in the course of service.

(2) *Disease* means—

(*a*) Venereal disease or septicæmia where such disease or septicæmia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty,

(*b*) disease solely and directly attributable to an accident,

(*c*) disease definitely attributable to, or aggravated by service in a civil capacity with a Military, Naval or Air Force, or with a civil or military police force if the Government certifies that such force was engaged in operation analogous to military operations, if the Government servant dies while in service or is invalided from civil service as a result of such disease.

(*d*) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties;

(3) *Injury* means bodily injury resulting from *violence, accident* or *disease* assessed by a Medical Board as being not less than very severe, or severe and likely to be permanent.

NOTE.—Examples of injured of certain categories to which these rules relate are given in Schedule III.

(4) *Government means*—(*a*) the Government of a Governor's State in respect of persons under the administrative control of such Government;

(b) the Governor-General in Council in respect of other persons.

(5) *Pay* means pay as defined in rule 9 (21) of the Fundamental Rules.

(6) *Risk of office* means any risk, not being a *special risk*, of *accident* or *disease* to which a Government servant is exposed in the course of and as a consequence of his duties but nothing shall be deemed to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service.

(7) *Special risk* means—

(1) a risk of suffering injury by violence;

(2) a risk of *injury* by accident to which a Government servant is exposed in the course of, and as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office;

(3) a risk of contracting *disease* to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicæmia patient or conducting a post-mortem examination in pursuance of that duty.

(8) *Violence* means the act of a person who inflicts an injury on a Government servant—

(*a*) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(*b*) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(*c*) because of his official position.

General Rules.

4. Nothing in these rules shall be deemed to derogate from any rules in force for the time being relating to ordinary pensions in so far as such rules are applicable and are not inconsistent with these rules.

5. Notwithstanding anything contained in these rules no decision to withhold, withdraw or reduce an award or to make an award of an amount less than the maximum admissible thereunder shall be made save with the consent of the Secretary of State in Council.

6. The sterling amount of any award under these rules based on the figures in Schedule I or II shall be paid if the person to whom payment is made is residing on the date of payment in a country where the rupee is not legal tender, and in other cases the rupee amount shall be paid.

7. If the *Government* is in doubt as to the interpretation of any of these rules, or as to whether a case comes within the purview of these rules, or as to which rule is applicable in a particular case, or in the event of a disagreement on any of these points between the Government and the Comptroller and Auditor-General, the matter shall be referred to the Secretary of State in Council whose decision shall be final.

8. The Secretary of State in Council may make an award—

(1) in circumstances not covered by the terms of these rules, or

(2) exceeding in amount or differing in kind from the award admissible under these rules.

9. (1) Notwithstanding anything contained in these rules, if a Government servant sustains *injury* or is killed or dies of *injuries* received by his own default or as the result in a material degree of his own contributory negligence, or in other circumstances such that the *Government* considers that an award should not be made or that the amount thereof should be reduced, any award to which a title is otherwise conferred by these rules may, with the sanction of the Secretary of State in Council, be withheld or reduced.

(2) Wherever in these rules it is provided that an authority may at his discretion make an award or fix the amount of an award, such discretion shall, subject to any other relevant provisions in these rules, be exercised with reference to the character and service of the Government servant, of the nature of the risk and his conduct in connexion therewith and, in the case of an *injury* award, the severity of the *injury* and its probable effect on his future life and career.

10. If, in any case, the *Government* is satisfied that it is impracticable to obtain the report of a medical board as to the severity of an injury, it may, at its discretion, accept in lieu thereof the report of any medical practitioner or other reliable evidence as to the severity of such injury.

SECTION II.—INJURY AWARDS.

General Rules.

11. For the purpose of the rules in this section an *injury* due to disease shall be deemed to have been sustained on the date on which the medical board reports or such earlier date as may be fixed by the *Government,* due regard being had to such opinion as the Medical Board may express as to the date from which the Government servant was incapacitated.

12. Any award in respect of an *injury* due to *violence* or *accident* to which a title is otherwise conferred by the rules in this section may with the sanction of the Secretary of State in Council be withheld if the Government servant first applies for an award more than five years after the *injury was* sustained.

13. Notwithstanding anything contained in rules 18, 19 and 20, if, as a result of delay on the part of a Government servant in submitting his application for an injury pension, the first medical report under these rules on an *injury*, other than an injury due to *disease*, is completed after the lapse of a year from the date on which the *injury* was sustained, any pension awarded shall have effect from such date, not being later than the date of the medical board's report, as the Secretary of State in Council may fix.

14. (1) An injury pension or gratuity shall be drawn by a Government servant whether he continues in Government service or not.

(2) An injury pension shall continue to be drawn by a retired Government servant during any period of re-employment, and shall not be taken into account when the pay of the Government servant during re-employment is fixed.

15. Notwithstanding anything contained in rules 18, 19 and 20, a temporary injury pension may, at the discretion of the *Government*, be converted into a permanent injury pension—

(1) when a Government servant is invalided out of the service on account of the injury in respect of which the temporary pension was awarded, or

(2) when the temporary pension has been drawn for not less than five years, or

(3) at any time, if the Standing Medical Board, if any, at the headquarters of the *Government*, the India Office Medical Board, or such other medical board as may be approved in this behalf by the *Government* in any particular case, states that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

16. If a Government servant is permanently incapacitated for Government service by an *injury* in respect of which an injury pension or gratuity is granted under these rules, he shall be granted on retirement in addition to such pension or gratuity any other pension or gratuity for which he is eligible under other rules for the time being in force, provided that if his total qualifying service makes him eligible for an invalid gratuity and not for an invalid pension he may at his option exchange his invalid gratuity for a pension calculated as follows:—

(1) If he is a member of the Indian Civil Service, at the rate of £30 a year for each completed year of active service, including any period of service rendered with the consent of Government in circum stances justifying his presence with a military force in either a civi or military capacity;

(2) if he is not a member of the Indian Civil Service, at the rate of one-sixtieth of his average emoluments for the last three years, for each completed year of service for pension, including any period of service rendered with the consent of Government in circumstances justifying his presence with a military force in either a civil or military capacity.

17. An application for the commutation of a permanent injury pension awarded under these rules shall be dealt with in accordance with the provisions of the Civil Pensions (Commutation) Rules.

Gratuities and Pensions.

18. If a Government servant sustains *injury* as the result of *violence* by a terrorist, anarchist or fanatic, awards shall be made by the *Government* as follows:—

(1) if the *injury* has resulted in the permanent loss of an eye or a limb—

(*a*) a gratuity of the applicable amount specified in Schedule I, and

(*b*) with effect from the date following the expiry of one year from the date of the *injury*, a permanent pension of the applicable amount specified for a higher scale pension in that schedule;

(2) if the *injury* is certified by the medical board to be equivalent, in respect of the degree of disablement which it causes, to the loss of a limb—

(*a*) a gratuity of the applicable amount specified in Schedule I, and

(b) on the expiry of one year from the date on which the injury was sustained, on the report of a medical board to be made at intervals of a year—

(i) if the board reports that the *injury* continues to be equivalent to the loss of a limb, a temporary pension of the applicable amount specified for a higher scale pension in Schedule I;

(ii) if the board reports that the *injury* has ceased to be equivalent to the loss of a limb, a temporary pension of the applicable amount specified for a lower scale pension in Schedule I;

(3) if the *injury* has resulted in the permanent loss of or of the use of, an eye and a limb or of more than one eye or limb, an addditional gratuity or pension, at the discretion of the Government, of such amount, not exceeding the maximum prescribed for the loss of one eye or one limb, as the *Government* may fix;

(4) if the *injury* is certified by a medical board not to be equivalent to the loss of a limb, but to be very severe—

(*a*) a gratuity of the applicable amount specified in Schedule I, if the medical board certifies that the Government servant is likely to be unfit for service for a year, or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year, and

(*b*) on the expiry of the period in respect of which the gratuity was awarded, a temporary pension of the applicable amount specified for a lower scale pension in Schedule I if the medical board from year to year certifies that the *injury* is still very severe;

(5) if the injury is certified by the medical board to be severe and likely to be permanent but not very severe, a gratuity calculated in accordance with sub-clause (*a*) of clause (4).

19. I. If a Government servant sustains an *injury* as the result of *violence* inflicted by a person not being a terrorist, anarchist or fanatic, or of *accident* or *disease* suffered as a result of *a special risk*, awards shall be made by the *Government* as follows:—

(i) if the *injury* has resulted in the permanent loss of an eye or a limb, with effect from the date of the *injury* a permanent pension, the amount of which shall not exceed the applicable amount specified in Schedule I for a lower scale pension and shall not be less than half that amount;

(ii) if the *injury* is certified by the medical board to be equivalent in respect of the degree of disablement it causes to the loss of a limb or to be very severe—

(*a*) for a period of one year with effect from the date on which the *injury* was sustained a temporary pension, the amount of which shall not exceed the applicable amount specified in Schedule I for a lower scale pension and shall not be less than half that amount, and thereafter,

(*b*) a pension, within the limits specified in sub-clause (*a*), if the medical board from year to year certifies that the *injury* continues to be very severe;

(iii) if the injury is certified by the medical board to be severe, and likely to be permanent, but not very severe, a gratuity the amount of which shall not exceed the amount of a gratuity calculated in accordance with sub-clause (*a*) of clause (4) of rule 18 and shall not be less than half that amount.

II. If a Government servant sustains an *injury* to which sub-rule I applies as the result of *violence* inflicted by rebels or rioters or in closely analogous circumstances, in the course of the performance of his official duties, or while on flying duty or while performing a journey by air under proper authority, he may be awarded by the Secretary of State in Council at his discretion, in lieu of any amount admissible under this rule, the amount admissible under rule 18.

20. If a Government servant sustains an injury through accident or disease suffered as a result of a risk of office an award may be made by the Government at its discretion of an amount not exceeding the maximum amount admissible under sub-rule 1 of rule 19, and otherwise in accordance with the provisions of that sub-rule:

Provided that, if such injury is one to which clause (i) or clause (ii) of that sub-rule applies, the Government may award, in lieu of a pension, a gratuity the amount of which shall not exceed the maximum amount admissible under clause (iii) of that sub-rule:

Provided further that, if a pension is awarded for injury due to disease of the nature specified in sub-clause (*c*) of clause (2) of rule 3, it shall be sanctioned with effect from a date not earlier than that on which the officer is invalid

21. If in any case a pension awarded under rule 19 or 20 to a person who continues in the service of Government is less than the maximum amount admissible it may, in exceptional circumstances and with the sanction of the Secretary of State in Council, be increased on the retirement of such person.

SECTION III—FAMILY AWARDS.

General Rules.

22. (1) Any award to which a title is otherwise conferred by the rules in this section may, with the sanction of the Secretary of State in Council, be withheld in whole or in part if death occurred more than 7 years—

(a) after the injury due to *violence* or *accident* was sustained, or

(*b*) after the Government servant was medically reported as unfit for duty on account of the *disease* of which he died.

(2) Save with the sanction of the Secretary of State in Council and at such rates and subject to such conditions as he may direct, a pension or gratuity shall not be awarded to a widow, who at the time of her husband's death was separated from her husband under a decree for judicial separation or an enforceable decree to live apart.

(3) An award shall not be made of a pension or gratuity to the widow, or of a pension or educational allowance to the children of the widow, if—

(*a*) the widow married, the Government servant—

(i) after he was injured if death was due to *violence* or *accident*, or

(ii) after he was first medically reported as unfit for duty on account of the *disease* of which he died;

(b) the Government servant died of *disease* within one year after his marriage and the *Government* is not satisfied that he was not suffering from the *disease* which caused his death at the time of his marriage.

23. A family pension shall have effect—

(1) if an application is submitted within one year of the date of the officer's death, from the day after his death,

(2) in other cases, from such date as the Secretary of State in Council may decide.

24. A child's pension is admissible—

(1) to a boy under the age of 18 years until he attains that age, and

(2) to an unmarried girl under the age of 21 years until she attains that age or marries, whichever happens first:

Provided that a pension is admissible to a married girl who is an Indian if she is under the age of 16 years and has not left her own family to live with her husband.

Provided further that a pension awarded to an unmarried girl who is an Indian shall not cease by reason of her marriage until she leaves her own family to live with her husband or attains the age of 16 years, whichever happens first:

Provided further that if a child—

(*a*) is affected with a mental or bodily infirmity which renders him or her incapable of earning his or her own living and is in necessitous circumstances, or

(*b*) is an apprentice earning not more than nominal wages, or is being educated at a secondary school, technical school, or university, the child's pension may be awarded or continued by the Secretary of State in Council at his discretion despite the fact that the child has attained an age which would otherwise render the award or continuance of the pension inadmissible.

25. Any award made under rule 33 or rule 34 shall be subject to review in the event of an improvement in the pecuniary circumstances of the pensioner, and the *Government,* at its discretion, may direct that any award under rule 29 or rule 32 shall also be subject to review in such event.

26. The pension of a widow shall cease on re-marriage but in the event of her again becoming a widow the *Government,* if satisfied that she is in necessitous circumstances may at its discretion restore the pension in whole or part

Gratuities and Pensions.

27. If a Government servant is killed or dies of injuries received as the result of *violence* by a terrorist, anarchist or fanatic, the *Government* shall award to his widow and his children, if any, a gratuity and pensions of the applicable amounts specified in Schedule II.

28. If a Government servant is killed or dies of injuries received as the result of violence by a person not being a terrorrist, anarchist or fanatic, or of *accident* or *disease* suffered as a result of a *special risk,* the *Government* shall award to his widow and his children, if any, pensions of the applicable amounts specified in Schedule II.

29. (1) if a Government servant is killed or dies of injuries received as the result of *accident* or *disease* suffered as a result of a *risk of office,* the Government at its discretion may award to his widow a pension or a gratuity the amount of which shall not exceed the applicable amount specified in Schedule II, and to his children, if any, pensions the amounts of which shall not exceed the applicable amount specified in that Schedule.

(2) In any case which falls to be dealt with under this rule, the *Government* may, at its discretion, before deciding whether a pension should be granted, or fixing the amount of any pension to be granted call for and take into consideration a report as to the pecuniary circumstances of the family.

30 If a pension is awarded by a *Government* under the provisions of rule 28 to the widow of a Government servant who is killed or dies of injuries received as the result of violence while in actual conflict with rebels or rioters, or in closely analogous circumstances in the course of the performance of his official duties, or to the widow of a Government servant who is killed or dies of injuries received while on flying duty, or while performing a journey on duty by air under proper authority, a gratuity of such amount as he may think fit may be awarded by the Secretary of State in Council at his discretion in addition to such pension.

31. If a Government servant leaves more than one lawful widow, any widow's pension or gratuity awarded shall be divided equally between them.

32. (1) If the Government is satisfied that the family of a deceased Government servant who was killed or died of injuries received in any of the circumstances described in rules 27, 28 and 29 is in pecuniary need, and education allowance not exceeding Rs. 500 or £ 37 a year for each child as the case may be, commencing at the age of 8 and ceasing at the age of 18, may be awarded by the *Government* at its discretion in addition to any pension awarded to such child under any of those rules.

(2) Such education allowance may be granted or extended by the Secretary of State in Council at his discretion after the age of 18 years when the education of the child is being continued at a secondary school, technical school or university.

33. (1) If the *Government* is satisfied that the parent or parents of a deceased Government servant are in pecuniary need and were largely dependent on him for support, and there exists at the time of his death no widow or child eligible for a pension, a pension to such parent or to such parents jointly—

(*a*) shall be awarded by the *Government* if the Government servant was killed or died of injuries received in the circumstances described in rule 27;

(*b*) may, at the discretion of the *Government*, be awarded if he was killed or died of injuries received in the circumstances described in rule 28 or rule 29.

(2) A pension awarded under sub-rule (1) shall not exceed—

(i) if the parent, or one of the parents, has attained the age of 65 or is seriously incapacitated by ill-health, three-quarters of the applicable amount of widows' pension specified in Schedule II, and

(ii) otherwise, one-half of such amount:

Provided that a pension to the award of which clause (ii) applies may, at the discretion of the *Government*, be increased by one-half on the parent, or one of the parents, attaining the age of 65 or becoming seriously incapacitated by ill-health.

(3) The pension of a parent who re-married shall cease from the date of re-marriage.

34 If neither widow, child nor parent survives a deceased Government servant but he leaves minor brothers or sisters, who were largely dependent on him for support and the *Government* is satisfied that they are in pecuniary need, the *Government*, subject to the provisions of rule 24—

(1) shall, if death occurred in the circumstances described in rule 27, and

(2) may, at its discretion, if death occurred in the circumstances described in rule 28 or rule 29, award to such minor brothers and sisters collectively a pension the total amount of which shall not exceed half the applicable amount of widows' pension specified in Schedule II and each such minor brother or sister's share of which shall not exceed Rs. 320 or £ 24 per annum as the case may be.

SECTION IV.—CIVIL GOVERNMENT SERVANTS SERVING WITH MILITARY FORCES.

Injury and family awards.

35. (1) If a Government servant serving officially in a civil capacity with a military force sustains *injury* as the result of enemy action, the *Government* shall make such awards as would be admissible if the *injury* had been sustained in the circumstances described in rule 18.

(2) If a Government servant serving as aforesaid is killed or dies of injuries received as the result of enemy action, the *Government* shall make such awards as would be admissible if death had occurred in the circumstances described in rule 27.

(3) If a Government servant serving as aforesaid sustains *injury* or is killed or dies of injuries received otherwise than as a result of enemy action, the grant of any award and its amount shall be settled in accordance with the applicable rules in Schedules I, II and III.

SECTION V.—PROCEDURE FOR THE AWARD OF EXTRAORDINARY PENSIONS.

36. In respect of matters of procedure, all awards under the Superior Civil Services (Extraordinary Pension) Rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these Regulations.

37. A report, with copies of relevant medical documents, should be submitted to the Secretary of State in respect of every award made under the Superior Civil Services (Extraordinary Pension) Rules.

38. (1) A Government servant who considers that he has suffered *injury* in circumstances justifying an award under the Superior Civil Services (Extraordinary Pension) Rules should submit an application forthwith for examination by a medical board, which application should be forwarded through the usual channel to the *Government*.

(2) Even if no application for examination by a medical board is received, the *Government*, on receiving the report of the injury of an officer, should consider whether there is *prima facie*, a case for an award

to such officer and, if it concludes that such a case exist, it should, subject to the provisions of rule 10 of the Superior Civil Services (Extraordinary Pension) Rules, direct that the report of a medical board as to the severity of the injury, in the form prescribed in rule 7 of these regulations shall be obtained.

(3) If the report shows that the *injury* is not less than very severe, or severe and likely to be permanent, the *Government*, before making an award, should direct that a formal enquiry into the circumstances in which the *injury* was sustained shall be held immediately.

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3) of this rule, if an authority subordinate to the Government is of the opinion that in any particular case undue delay will be caused if the directions of the *Government* are obtained, such subordinate authority may itself obtain a report as to the severity of the injury and hold a formal enquiry into the circumstances in which *injury* was sustained. The case should then be reported in full detail to the *Government* who, at their discretion, may accept the information so supplied as the basis on which the making of an award shall be considered.

39. (1) A *Government* on receiving the report of the death of a Government servant should consider whether there is, *prima facie*, a case for an award under the Superior Civil Services (Extraordinary Pension) Rules to the family of the deceased Government servant, and if it concludes that such a case exists, the *Government*—

(i) (*a*) should obtain a medical report as to his death, or

(*b*) may accept reliable evidence as to the actual occurrence of death if the Government servant lost his life in circumstances such that a medical report cannot be secured, and

(ii) should direct—

(*a*) that a formal enquiry into the circumstances in which death occurred shall be held immediately, and

(*b*) that evidence as to the relationship to the deceased Government servant of the persons to whom it is proposed to make an award shall be taken.

(2) Notwithstanding anything contained in sub-rule (1), if an authority subordinate to the *Government* is of the opinion that in any particular case undue delay will be caused if the directions of the Government are obtained such subordinate authority may itself obtain a medical report or reliable evidence of death as the case may be, hold a formal enquiry, and take evidence of relationship. The case shall then be reported in full detail to the *Government* who, at their discretion, may accept the information so supplied as the basis on which the making of an award shall be considered.

40. When a *Government* has decided that an award under the Superior Civil Services (Extraordinary Pension) Rules must, or may, be made, and under which rule it will fall, the papers, with a statement of the case and of the amount or amounts, which is proposed to award, in such form as may be prescribed by the Comptroller and Auditor-General should be forwarded to the audit authority for a report as to

whether the award is admissible under the rules and as to the correctness of the amount, or amounts, payable provided that if in any case all the information necessary for the completion of that form cannot, in the opinion of the *Government*, be obtained without undue delay being caused, the audit authority should furnish a report based on such information as is available.

41 A child's pension shall be paid—

(1) if the child is the child of the deceased Government servant, to the widow if alive, unless another person has been appointed legal guardian in which case, and also in the event of the widow's death, it shall be paid to the legal guardian,

(2) if the child is the brother or sister of the deceased Government servant, to the legal guardian.

42 The form below should be used by Medical Board when reporting on injuries:—

Proceedings of Medical Board.

Confidential

Proceedings of a Medical Board assembled by order of for the purpose of examining and reporting on the present state of the $\frac{\text{injury sustained by}}{\text{disease contracted by}}$ at (place of injury, etc.)—

(*a*) State briefly the circumstances under which the $\frac{\text{injury}}{\text{disease}}$ was $\frac{\text{sustained.}}{\text{contracted.}}$

(*b*) What is the Government servant's present condition?

(*c*) Is the Government servant's present condition wholly due to the $\frac{\text{injury.}}{\text{disease.}}$

If not, state to what other causes it is attributable.

(*d*) In the case of disease from which date does it appear that the Government servant has been incapacitated.

The opinion of the Board upon the questions below is as follows:—

	As to first injury.	As to second injury (if any).	As to third injury (if any).
(1) Has the Government servant lost an eye or a limb?			
(2) If the answer to (1) is in the negative is the injury equivalent to the loss of a limb?			
(3) If the answer to (1) and (2) are in the negative, is the injury very severe? ..			
(4) If the answers to (3) is 'Yes' for what total period from the date of injury has the Government servant been or is he likely to be unfit for duty? ..			

	As to first injury	As to second injury (if any).	As to third injury (if any).
(5) If the answers to (1), (2) and (3) are in the negative, is the injury severe? .			
(6) If the answer to (5) is 'Yes'— (a) is the injury likely to be permanent?			
(b) and, if so, for what total period from the date of the injury has the Government servant been or is he likely to be unfit for duty?			
(7) *If the answer to (2) was 'Yes' in the first instance— (a) are the defects of the injury still equivalent to the loss of a limb, and if not			
(b) are they very severe? ..			
(8) If the answer to (3) was 'Yes' in the first instance, are the effects of the injury still very severe? .			
(9) If the answers to the questions above are in the negative, the injury should be classified here as 'severe' but not likely to be 'permanent', or 'slight' and 'permanent', or in similar terms			

Instructions to be observed by the Medical Board preparing the report.

1. The Medical Board before recording their opinion should invariably consult the proceedings of previous medical documents connected with the Government servant brought before them for examination.

2. If the injuries be more than one they should be numbered and described separately; and should it be considered that, for instance, though only 'severe' or 'slight' in themselves, they represent together the equivalent of a single 'very severe' injury, such an opinion may be expressed in the columns provided.

3. In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the medical and documentary evidence available.

4. The Board will not express any opinion, either to the Government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the Government servant how the injury has been classified.

*For use in the case of subsequent medical boards in cases of renewal of award.

SCHEDULE I.

INJURY GRATUITIES AND PENSIONS.

Pay of Government servant	Gratuity.		Annual pension higher scale.		Annual pension lower scale.	
	RS.	£.	RS.	£.	RS.	£.
Rs. 2,500 and over ..	15,000	1,125	4,700	352	4,000	300
Rs. 2,000 but under Rs. 2,500 ..	8,000	600	4,000	300	3,400	255
Rs 1,500 but under Rs. 2,000 ..	6,000	450	4,000	300	3,400	255
Rs. 900 but under Rs 1,500 ..	4,000	300	2,700	202	2,000	150
Rs. 700 but under Rs. 900 ..	3,400	255	1,400	105	1,400	105
Rs 450 but under Rs 700 .	1,900	142	1,400	105	1,400	105
Less than Rs 450 .	1,400	105	1,400	105	1,400	105

SCHEDULE II.

FAMILY GRATUITIES AND PENSIONS.

A. Widows.

Pay of Government servant.	Gratuity.		Annual pension.	
	RS.	£.	RS.	£.
Rs. 2,500 and over	13,500	1,012	4,000	300
Rs. 2,000 but under Rs. 2,500 ..	8,000	600	2,700	202
Rs. 1,500 but under Rs. 2,000 ..	6,000	450	2,400	180
Rs. 900 but under Rs. 1,500 ..	4,000	300	1,900	142
Rs. 700 but under Rs. 900 ..	2,700	202	1,400	105
Rs. 450 but under Rs. 700 ..	2,000	150	1,400	105
Less than Rs. 450 ..	1,400	105	1,400	105

NOTE.—For the purpose of calculating awards the pay of an officer is that which he was drawing on the date on which he was killed or injured

B. Children.

	Annual child's pension.	
	RS.	£
If child is motherless	550	41
If child is not motherless	320	24

SCHEDULE III.

[Rule 3 (3).]

Equal to loss of limb—

Hemiplegia without aphasia.
Permanent use of a tracheotomy tube.
Artificial anus.
Total deafness of both ears.

Very severe—

Complete unilateral facial paralysis, likely to be permanent.
Lesion of kidney, ureter or bladder.
Compound fractures (except phalanges).
Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent—

Ankylosis of, or considerable restriction, in the movements of one of the following joints:—
Knee, elbow, shoulder, hip, ankle, temporo-maxillary or rigidity of the dorsilumbar or cervical sections of the spine.
Partial loss of vision of one eye.
Destruction of loss of one testicle.
Retention of foreign bodies not causing permanent or serious symptoms.

APPENDIX 3.

THE ANDHRA PRADESH RETIRING AND INVALID GRATUITIES (NON-PENSIONABLE ESTABLISHMENTS) RULES, 1941.

RULES.

1. (1) These rules may be called the Andhra Pradesh Retiring and Invalid Gratuities (Non-Pensionable Establishments) Rules, 1941.

(2) They shall be deemed to have come into force on the 1st day of April 1941.

2. These rules shall apply to persons in non-pensionable service including those paid from contingencies and members of the work—charged establishments, to persons who, having rendered service in a non-pensionable establishment, retire or are invalided from service in a pensionable post before rendering sufficient service to earn a pension under the Civil Service Regulations and to persons who have rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments, but are not eligible for a pension under the Civil Service Regulations. They shall not apply to persons who are subject to a Contributory Provident Fund or are governed by any special system of gratuities (e.g., men employed in public works Workshops).

3. For the purposes of these rules, "month's pay" means—

(*a*) in the case of a whole-time Government servant employed on piece-work wages, the average monthly remuneration drawn during a period of one year immediately before retirement;

(*b*) in the case of a Government servant employed on daily wages, such wages drawn immediately before retirement multiplied by 30;

(*c*) in the case of other Government servants to whom these rules apply, their monthly non-substantive pay drawn immediately before retirement; and

(*d*) in the case of persons who, having rendered service in a non-pensionable establishment, retire or are invalided from service in a pensionable post before rendering sufficient service to earn a pension under the Civil Service Regulations and of persons who have rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments but are not eligible for a pension under the Civil Service Regulations, the pay last drawn at the time of retirement or invalidation from the pensionable post.

4. The amount of gratuity to be paid under these rules shall be regulated as follows:—

A. For Superior Service.

Length of non-qualifying or non-pensionable service.	Retiring or invalid gratuity.
After a service of 5 years or less ..	Nil.
After a service of over 5 years ..	One month's pay for every completed year of service subject to a maximum of 25 months' pay.

B For Last Grade Service.

Length of non-qualifying or non-pensionable service	Retiring or invalid gratuity.
After a service of 5 years or less .	Nil.
After a service of over 5 years .	Half a month's pay for every completed year of service subject to a maximum of 15 month's pay.

NOTE —(1) A retiring gratuity will be sanctioned only when a person to whom these rules apply is compulsorily retired, say, on attaining the age of superannuation, or on termination of his appointment due to retrenchment, lapse of sanction or reorganization of establishments, or on his retiring voluntarily after he completes a service of 30 years. The rules regarding medical certificates in the Civil Service Regulations should be followed generally in regard to the invalidation of persons for the purpose of an "invalid gratuity" under these rules.

(2) The provisions in the Civil Service Regulations for reckoning service, for pension and re-employment of pensioners should be followed, in so far as they are applicable, in determining service qualifying for gratuity under these rules and for the re-employment of gratuitants

(3) In the case of a person, who having rendered service in a non-pensionable establishment retires or is invalided from service in a pensionable post before rendering sufficient service to earn a pension under the Civil Service Regulations, and of a person who has rendered service of more than five years (qualifying and non-qualifying) entirely in pensionable establishments, but is not eligible for a pension under the Civil Service Regulations, the entire service both non-pensionable and pensionable (qualifying and non-qualifying) shall be taken into account for the purpose of fixing the gratuity admissible under these rules In cases where the service is partly last grade and partly superior, gratuity shall be calculated separately for the superior and last grade portions of the service provided that a Government servant shall be allowed to have his entire service treated as last grade for the purpose of gratuity.

5. The authorities who are at present authorized to sanction pensions are hereby empowered to sanction, on the certificate of the responsible Audit Officer, the gratuities admissible under these rules, provided the service rendered has been thoroughly satisfactory Where the service has not been satisfactory, orders of the Government should be obtained through the Audit Office.

6. Service rolls should be maintained for temporary and non-pensionable employees, members of the work-charged establishment and menials paid from contingencies. The entries made in the service rolls should be verified by the heads of offices once a year and certificates of verification recorded in the rolls as in the case of entries made in the service books of members of the regular establishments.

Rulings.

1. For purposes of determining whether a post is superior or last grade, all posts the duties of which are of a mechanical or routine nature are classified as 'last grade' irrespective of the pay attached to such posts, and all posts the duties of which are different *intrinsically* from menial work are classified as 'superior' *provided* the pay of such posts exceeds Rs. 20 per mensem The Government direct that the same principle shall be followed in classifying members of the work-charged establishment as 'last grade' or 'superior.'

The categories of men in the Highways Department mentioned under Group A below shall be 'superior' if they draw pay more than Rs. 20 per mensem and those mentioned under Group B below, shall be 'last grade', irrespective of their pay.

Group A (skilled workmen).

Maistries.
Roller and lorry drivers.
Mechanics.
Fitters.
Blacksmiths.
Welders.
Turners.
Carpenters.
Electricians.
Foreman.
Time-keepers.
Moulders.
Boiler smiths.

Group B (unskilled workmen.)

Head coolies.
Gang coolies.
Avenue coolies.
Watchman.
Lorry and roller cleaners.
Roller Firemen.

These rules are applicable to the above personnel.

[G.O. No. 672, Finance (Pension), dated 10th July 1948, filed in A.G.'s P.V. 6-3 of 1947-48-49.]

2. Copyists, Process, etc., establishments in the Revenue Department and stamping weights and measures establishments which are paid on the basis that the fees collected cover the charges of the establishments concerned are eligible for these gratuities.

3. These rules should not be applied to persons who are re-employed after having been granted a pension, civil or military, or to part-time Government employees such as sweepers and scavengers, menials paid from contingencies who are in whole-time service of Government (including sweepers and scavengers) come, however, under the scope of these rules.

The rules are not applicable also to watermen employed in schools whose service is not continuous.

In the case, however, of a person who is re-employed in non-pensionable service after having been granted a gratuity, civil or military, for his previous service in pensionable establishment he will be eligible for a gratuity under these rules in respect of his service subsequent to re-employment. His service in pensionable establishment prior to re-employment will be ignored for the purpose of determining the amount of gratuity admissible under these rules.

[G.O. No. 159, Finance (Pension), dated 25th March 1942, G.O. No. 774, Finance (Pension) dated 12th December 1941. Memorandum No. 435 (Pension 2) dated 11th May 1942, and Memorandum No. 15369-c/49-2, Education, dated 30th April 1942.]

The military service which will count for civil pension under Article 357-A can be treated as qualifying for purpose of gratuity payable under the Andhra Pradesh Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941.

[G.O. Ms. No. 115, Finance, dated 21st February 1955.]

4. In the case of Government servant who officiated in a pensionable post but retired without being eligible for pension and who was subsequently employed in a non-pensionable post, his former officiating service in the pensionable post may be combined with his subsequent service in the non-pensionable post for the purpose of grant of gratuity under these rules.

[Finance Endorsement No. 9253 (Pension 1), dated the 5th August 1942, on G.O. No. 1658, Revenue, dated the 29th July 1942.]

5. Chainmen employed under Town Surveyors are admitted to the benefits of these rules. Two-thirds of the gratuity granted in each case is debitable to the municipalities concerned, following the proportion in which the municipalities bear the pay and travelling allowance of the chainmen. In the case of chainmen employed for short periods under Town Surveyors of different towns, the liability arising from the payment of gratuity should be distributed among the municipalities concerned in proportion to the length of service of the chainmen under each municipal council provided such service is taken into account for purpose of calculating the gratuity.

[G.O. Ms. No. 760, Revenue, dated 23rd March 1942.]

6. If during the period of 'one year immediately before retirement' referred to in rule 3 (*a*) a Government servant has been absent from duty on leave without allowances the period of such leave should be disregarded in the calculation of the average, an equal period before the one year being included applying rule 2 below Article 487, Civil Service Regulations:

[Memorandum No. 17874/42-1, Finance (Pension), dated 27th October 1942.]

7. If the date of birth of a person in the non-pensionable service cannot be correctly ascertained even by adopting the procedure laid down under Fundamental Rule, he may be sent to a Government Medical Officer, for estimating his age

[P W.D Memorandum No. 3478-iv/42-1, dated 30th October 1942.]

8. Dhobies in Government Hospitals *who are wholetime employees* will be eligible for gratuities under these rules.

[G.O. No. 5391, P.H., dated 5th February 1943.]

9. In the case of employees of survey or settlement services coming under the scope of these rules condonations of interruptions can be sanctioned by the authorities sanctioning the gratuities and the orders in note 2 under paragraph 3 under Article 420, Civil Service Regulations, will not apply

[Finance U.O Note No. 12529 (Pension), dated 29th March 1944.]

10. Ghat talayaris who are wholetime Government servants will fall within the scope of these rules though these rules will not apply to village establishments of the Revenue Department.

[Finance Memorandum No. 21769-4 (Pension), dated 28th June 1944.]

11. Measurers employed under Taluk Surveyors for regular maintenance work who are wholetime servants are admitted to the benefits of these rules.

[G.O. Ms. No. 1506 (Revenue), dated 10th August 1944.]

12. In respect of service rendered before 1st April 1941 when no service rolls were maintained, a certificate from the competent authority that the service claimed is established may be accepted as a sufficient evidence of such service.

[G.O. Ms. No. 2614 (P.H.) dated 8th October 1945.]

13. When an increment accrues during the first four months of leave on average pay preparatory to retirement but is not drawn, the gratuity may be worked out on the basis of increased rate of pay taking into account the undrawn increment.

14. Gratuities payable under the Andhra Pradesh Retiring and Invalid Gratuities (Non-pensionable Establishment) Rules, 1941, shall, with reference to S.R. 92 (*b*) under T.R. 16, be paid direct to the person entitled to receive it and not to the head of the office or department in which that person formerly served.

[G.O. Ms. No. 970 (Finance), dated 31st August 1957.]

APPENDIX 4.

A

ANDHRA PRADESH COMPASSIONATE GRATUITIES RULES, 1932.

RULES.

1. (1) These rules may be called the Andhra Pradesh Compassionate Gratuities Rules, 1932.

(2) They shall come into force on 1st May 1932.

2. For purposes of these rules.

(i) 'family' includes the Government servant's wife, legitimate children, step-children, parents, sisters and minor brothers, who had been wholly dependent on him; and

(ii) 'pay' means the pay drawn by the Government servant at the time of his death or retirement, as the case may be.

3. The Government may, subject to the provisions of these rules, grant a compassionate gratuity to the family of a Government servant who dies while in actual service or within six months after his retirement:

Provided that the family of a person who has received a gratuity under the Civil Service Regulations shall not be eligible for any compassionate gratuity.

4. Compassionate gratuity shall be granted only when the deceased Government servant had rendered meritorious service or where his death was due to special devotion to duty.

5. Notwithstanding anything contained in rule 4, the State Government may grant a compassionate gratuity to the family of a deceased Government servant whose circumstances (rate of pay, etc.), were, in their opinion, such that he could not have made some provision for his family.

6. Compassionate gratuity shall not ordinarily be granted

(i) where the deceased Government servant—

(*a*) had rendered less than 10 years permanent service, or

(b) was in non-pensionable service, or

(*c*) held merely probationary, officiating or temporary appointments in departments other than the Survey and Settlement departments or held such appointments in the Survey and Settlement departments for less than twenty years, or

(*d*) was a menial paid from contingencies, or

(*e*) had left net assets of value exceeding twenty-four months' pay; or

(ii) where the application for the grant is submitted more than one year after the death of the Government servant unless there are special reasons for condoning the delay.

7. The amount of the gratuity to be paid in each case shall be fixed by the State Government but shall in no case exceed rupees one thousand or twelve months' pay of the Government servant, whichever is less.

N.B.—The maximum amount of compassionate gratuity will be temporarily enhanced to rupees one thousand two hundred or twelve months' pay plus dearness allowance whichever is less as per G.O. No. 254, Finance (Pension), dated 12th May 1944. Dearness allowance will be reckoned as pay for the purpose of deciding whether the net assets left by a Government servant exceed twenty-four months' pay.

8. Subject to the provisions of rule 7, such grant may be paid in annual instalments in order to defray the educational expenses of the children of the deceased Government servant.

B

ANDHRA PRADESH COMPASSIONATE GRATUITIES (NON-PENSIONABLE ESTABLISHMENT) RULES, 1941.

RULES.

1. (1) These rules may be called the Andhra Pradesh Compassionate Gratuities (Non-Pensionable Establishment) Rules, 1941.

(2) They shall be deemed to have come into force on the 1st day of April 1941.

2. These rules shall apply to the families of deceased Government servants who—

(i) were in non-pensionable, or

(ii) held merely probationary, officiating or temporary appointments in departments other than the Survey and Settlement departments or held such appointments in the Survey and Settlement departments for less than twenty years.

(iii) were menials paid from contingencies, or

(iv) were borne on the work-charged establishment.

They shall not apply to the family of a person who was subject to a Contributory Provident Fund.

3. For the purposes of these rules—

(i) 'Family' includes the Government servant's wife, his legitimate children, step-children, parents, sisters and minor brothers, who had been wholly dependent on him; and

(ii) 'monthly pay' or 'month's pay' means—

(*a*) in the case of a whole-time Government servant employed on piecework wages, the average monthly remuneration drawn during a period of one year immediately before retirement or death;

(*b*) in the case of a Government servant employed on daily wages, such wages drawn immediately before retirement or death multiplied by 30 ; and

(*c*) in the case of other Government servants their monthly non-substantive pay drawn immediately before retirement or death.

4. The Government may, subject to the provisions of these rules, grant a compassionate gratuity to the family of a Government servant who dies while in service. The family of a person who has received a retiring or invalid gratuity shall not be eligible for any compassionate gratuity.

5. Compassionate gratuity shall be granted only when the deceased Government servant had rendered meritorious service or when his death was due to special devotion to duty.

6. Notwithstanding anything contained in rule 5, the Government may grant a compassionate gratuity to the family of a deceased Government servant whose circumstances (e.g., rate of monthly pay) were in their opinion such that he could not have made any adequate provision for his family.

7. A gratuity under these rules shall not ordinarily be granted—

(i) where a deceased Government servant

(*a*) was in receipt of monthly pay exceeding one hundred rupees, or

(*b*) had left net assets of value exceeding twenty-four months' pay, or

(*c*) had rendered less than ten years' service, or

(ii) where the application for the grant is submitted more than one year after the death of the Government servant, unless there are special reasons for condoning the delay.

8. The amount of the gratuity to be paid in each case shall be fixed by the Government, but shall in no case exceed rupees one thousand or twelve months' pay of the Government servant, whichever is less.

N.B.—The maximum amount of compassionate gratuity will be temporarily enhanced to rupees one thousand two hundred or twelve months' pay plus dearness allowance whichever is less as per G.O. No. 254, Finance (Pension), dated 12th May 1944. Dearness allowance will be reckoned as pay for the purpose of deciding whether the net assets left by a Government servant exceed twenty-four months' pay.

9. Subject to the provisions of rule 8, the gratuity may be paid in annual instalments in order to defray the educational expenses of the children of the deceased Government servant.

DESCRIPTIVE ROLL WHICH SHOULD ACCOMPANY COMPASSIONATE GRATUITY APPLICATIONS.

All heads of departments and the authorities specified in the margin are informed that every application for a compassionate grant on behalf of the families of deceased Government servants should in future be accompanied by a descriptive roll (on separate sheets) of the applicant for the grant.

District Judges, Presidents of District Boards.

These rolls should contain the following information:—

(1) Height.

(2) Age.

(3) Colour.

(4) Personal marks, if any, on the hand, face, etc.

(5) Signature or left hand-thumb and finger impressions:—

Small finger	Ring finger	Middle finger	Index finger	Thumb,
( )	( )	( )	( )	( )

The descriptive rolls may be obtained from the applicant direct or from the Revenue authorities at the time when the latter are asked to report on the pecuniary circumstances of the family.

Rulings.

1. Heads of departments as defined in the Fundamental Rules and the authorities named in the margin are authorized to reject applications covered by Rule 6. They are also vested with discretionary power to withhold such applications addressed to Government and forwarded through them.

Collectors, District Judges, Superintending Engineers, Sanitary Engineers, Presidents of the District Boards, Chairmen of Municipal councils, Superintendent Government Press.

[G.O. No. 432, Finance, dated 9th May 1931, and Finance Memorandum No. 4935A-1 dated 16th February 1933.]

2. Heads of departments and other authorities specified in ruling 1 above may in their discretion withhold revision petitions addressed to Government and forwarded through them which disclose no facts already before the Government when the original orders were passed.

[G.O. Ms. No. 505, Finance (Pension), dated 18th May 1938.]

3. The attention of all authorities who forward or report on applications for compassionate gratuities, is invited to the instructions in paragraph 2 of G.O. No. 686, Finance dated 29th July 1931, according to which particulars of the punishments awarded to the Government servant while in service should also be given in the report in order to enable the Government to have an idea of the nature of service rendered. They are requested to state, in addition, in all cases, whether the service rendered by the deceased was satisfactory or not. Where the service rendered is reported to have been unsatisfactory, the reasons should be given. Personal files, if available, should also invariably be forwarded to the Government along with the applications.

[Finance Circular Memorandum No. 56542 (Pension-1), dated 24th September 1947.]

4. All authorities who forward or report on applications for compassionate gratuities are requested to obtain from the Revenue Department accurate reports on the assets and liabilities of deceased Government servants supported as far as possible by documentary evidence. It is not always necessary to send the documents or copies thereof, but the reports should show that verification has been made with reference to the documents wherever possible. Where the liabilities are considerable such documentary proof or some other equally reliable evidence should be insisted upon and items of debts not so proved should be ignored.

[Finance Circular Memorandum No. 23525 (Pension-3), dated 10th October 1938.]

C

ANDHRA PRADESH COMPASSIONATE GRATUITIES (GAZETTED OFFICERS) RULES, 1958.

1. (1) These rules may be called the Andhra Pradesh Compassionate Gratuities (Gazetted Officers) Rules, 1958.

(2) They shall apply to all Gazetted Government servants other than those to whom the Andhra Pradesh Contributory Provident Fund Pension-Insurance Rules, 1950 apply.

(3) They shall be deemed to have come into force on the 1st day of October, 1958.

2. For purposes of these rules—

(i) 'family' includes the Government servant's wife, legitimate children, step-children, parents, sisters and the minor brothers, who had been wholly dependent on him; and

(ii) 'pay' means the pay drawn by the Government servant at the time of his death or retirement, as the case may be.

3. The Government may, subject to the provision of these rules, grant a compassionate gratuity to the family of a Government servant who dies while in actual service or within six months after his retirement.

Provided that the family of a person who has received a gratuity under the Civil Service Regulations shall not be eligible for any Compassionate Gratuity.

4. Compassionate Gratuity shall be granted only when the deceased Government servant had rendered meritorious service or where his death was due to special devotion to duty.

5. Notwithstanding anything contained in Rule 4, the Government may grant a Compassionate Gratuity to the family of a deceased Government servant whose circumstances (rate of pay, etc.) were in their opinion, such that he could not have made some provision for his family.

6. Compassionate Gratuity shall not ordinarily be granted—

(i) where the deceased Government servant—

(*a*) had rendered less than 10 years' permanent service; or

(*b*) was in non-pensionable service; or

(*c*) held merely probationary, officiating or temporary appointments in departments other than Survey and Settlement Departments, or held such appointments in the Survey and Settlement Departments for less than 20 years; or

(*d*) had left net assets of value exceeding twelve months pay or 12,000/- whichever is less, or

(ii) where the application for the grant is submitted more than one year after the death of the Government servant, unless there are special reasons for condoning the delay.

7. The amount of gratuity to be paid in each case shall be fixed by the State Government, but shall in no case exceed Rupees six thousand, or six months' pay plus dearness allowance of the Government servant, whichever is less.

8. Subject to the provision of rule 7, such grant may be paid in annual instalments in order to defray the educational expenses of the children of the deceased Government servant.

(G.O. Ms No. 1969, Finance, dated 26th December 1958.)

APPENDIX 5.

THE ANDHRA PRADESH CIVIL PENSIONS (COMMUTATION) RULES, 1944.

RULES.

1. These rules may be called the Andhra Pradesh Civil Pensions (Commutation) Rules, 1944.

2. These rules apply to Government servants under the rule-making control of the Government of Andhra Pradesh and to Government servants of the ex-Hyderabad State who retired from service prior to 1-11-1956, and those governed by the Pension Rules of the ex-Hyderabad State who will retire on or after 1-11-1956; and shall also apply to persons to whom the Andhra Pradesh Civil Pensions (Commutation) Rules; 1934, would have applied, had those rules not been cancelled by Finance Department Notification No. 7, dated 10th January 1939, published at page 64 of part I of the Fort St. George Gazette, dated the 17th January 1939.

3. (1) A Government servant to whom these rules apply shall, subject to the conditions hereinafter specified, be allowed to commute for a lump payment any portion, not exceeding one-half of the pension granted to him by the State Government.

Provided that—

(*a*) the expenditure involved can be met from the sanctioned budget grants; and

(*b*) the residue of the pension after the commutation, together with the uncommuted portion of any permanent pension or pensions payable to the Government servant by a local body or a State in India or by any Government in India or in the British Empire, shall not be less than

(i) Fifty rupees per mensem or two-thirds of the pension granted to him by the State Government, whichever is less, in the case of a Government servant who at the time of his retirement held a permanent gazetted appointment;

(ii) fifteen rupees per mensem in the case of non-gazetted Government servant, and

(iii) three rupees per mensem in the case of last grade (Class IV) Government servants

NOTE —(1) In order to eliminate pies in the residue of the pension after commutation, the portion of the pension proposed to be commuted shall, if it involves pies, be rounded to the next higher anna in case less than one-half of the pension is proposed to be commuted, and to the next lower anna in case of one-half of the pension is proposed to be commuted.

NOTE.—(2) A pensioner who is governed by the Revised Pension Rules 1951, of the ex-Hyderabad State, can commute for a lump payment any portion of pension not exceeding one third of the pension granted to him under section I of those Rules.

(G.O. Ms. No. 912, Finance, dated 5th May 1959)

(2) Notwithstanding anything contained in sub-rule (1), the State Government may, in their discretion, refuse commutation of pension in the case of a pensioner who has been guilty of grave misconduct which would in their opinion have justified the withholding of his pension under Article 351, Civil Service Regulations.

4. Applications for commutation of pension shall be addressed—

(*a*) in the case of pensioners who draw their pensions from Indian treasuries, or who, being resident in colonies having an account current with the Accountant-General, Central Revenues, draw their pensions from the local treasuries, to the State Government;

(*b*) in the case of all other pensioners, to the High Commissioner for India, provided that in the case of pensioners residing in a dominion or colony other than those referred to in clause (*a*), the application shall be addressed to the High Commissioner through the official from whom the pension is drawn.

5. (1) No commutation shall be sanctioned unless such ~~medical~~ authority as may be prescribed in this behalf by sanctioning authority certifies that the pensioner's bodily health and prospects of duration of life are such as to justify commutation.

(2) The certifying medical authority shall subject the pensioner to a strict medical examination, requiring him to furnish such information as to his health and habits as is usually required of persons proposing to assure their lives in assurance companies and report in such form as may be prescribed by the State Government.

(3) If the pensioner furnishes any information found to be false within his knowledge or wilfully suppress any material fact in answer to any question, written or oral, put to him in connexion with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such a statement or suppression may be treated as grave misconduct for the purpose of Article 351 of the Civil Service Regulations.

6. The lump-sum payable on commutation shall be calculated in accordance with the table or tables or present values which may be prescribed from time to time under rule 7 of the Civil Pensions (Commutation) Rules by the Governor-General in Council, in the case of pensioners whose domicile at the time of first appointment to Government service was Asiatic, and by the Secretary of State in other cases.

Explanation.—For the purpose of calculating the lumpsum payable on commutation—

(i) the age in the case of impaired lives shall be assumed to be such age, not being less than the actual age, as the certifying medical authority may direct, and

(ii) domicile shall be determined in accordance with the provisions set out in the rules published with Public (Services) Department Notification No. 152, dated the 5th November 1931, on pages 1470–1471 of Part I of the *Fort St. George Gazette*, dated the 17th November 1931, as subsequently amended.

NOTE.—The lump-sum payable on commutation to Government servants who have served under more than one Government when the commutation tables applied by the different Governments are not identical, shall be calculated according to the commutation table of the Government under whose rule-making control they are at the time of retirement. In the case of Government servants who are temporarily lent by one Government to another, the commutation shall be according to the table of the lending Government and in the case of those who are permanently transferred from one Government to another it shall be according to the table of the Government to which their services have been permanently transferred.

7. Commutation, when sanctioned, shall take effect on a date to be specified in the order. Such date shall ordinarily be about one month later than the date of the order; and all calculations shall be made with reference to the date so specified.

Payment of the commuted portion of the pensions shall cease from the date specified and the sum payable on commutation shall be paid on that date or as soon afterwards as possible.

The applicant may withdraw his application by written notice despatched at any time before his medical examination is due to take place.

Where the table of present values applicable to an applicant has been modified between the date of the order sanctioning the commutation and the date on which the commutation takes effect, payment shall be made in accordance with the modified table; but it shall be open to the applicant, if the modified table is less favourable to him than that previously in force, to withdraw his application by notice in writing despatched within 14 days of the date on which he receives notice of the modification.

8. The lumpsum in cases in which application is addressed to the State Government shall be payable in India; in all other cases it shall be payable at the Home Treasury; the rate of exchange for conversion of the lumpsum, where the question of conversion arises, shall be such rate as the Secretary of State may by order prescribe.

9. A commutation once given effect to cannot be rescinded, that is, the portion of a pension commuted cannot be restored on refund of its capitalized value.

10. If the pensioner dies on or after the day following that on which commutation took effect but before receiving the commutation value, such value shall be paid to his heirs.

Commutation table based on a rate of interest of 3.5 per cent per annum.

Age next birthday.		Commutation value expressed as number of year's purchase.	Age next birthday.		Commutation value expressed as number of year's purchase
18	..	20.94	57	..	10 73
19	..	20.78	58	..	10 36
20	..	20.62	59	..	9.99
21	..	20.46	60	..	9 62
22	..	20.29	61	..	9.26
23	..	20.11	62	..	8.90
24	..	19.94	63	..	8·55
25	..	19.76	64	..	8.19
26	..	19.57	65	..	7.85
27	..	19.38	66	..	7 51
28	..	19.18	67	..	7.17
29	..	18.98	68	..	6.84
30	..	18.77	69	..	6 52
31	..	18.56	70	..	6.20
32	..	18.34	71	..	5.90
33	..	18.11	72	..	5.60
34	..	17.88	73	..	5.31
35	..	17.64	74	..	5.02
36	..	17.40	75	..	4.75
37	..	17.15	76	..	4.49
38	..	16.89	77	..	4.24
39	..	16.63	78	..	4.00
40	..	16.36	79	..	3.77
41	..	16.08	80	..	3.55
42	..	15 80	81	..	3.35
43	..	15.50	82	..	3.16
44	..	15.20	83	..	3.00
45	..	14.89	84	..	2.89
46	..	14.58	85	..	2.72
47	..	14.25	86	..	2.60
48	..	13.92	87	..	2.48
49	..	13.59	88	..	2.37
50	..	13.25	89	..	2.26
51	..	12.90	90	..	2.15
52	..	12.54	91	..	2.04
53	..	12.19	92	..	1.92
54	..	11.83	93	..	1.78
55	..	11.46	94	..	1.61
56	..	11.09			

(G.O. Ms. No. 1336, Finance, dated 4th December, 1957.)

Regulations governing the procedure for commutation of pensions.

1. The application for commutation should be made in the form appended to these Rules (Annexure I) through the Pension Disbursing Authorities who shall forward them to the Government through the Pension Sanctioning Authorities and the Accountant-General, Andhra Pradesh. The applications of pensioners whose pensions have been sanctioned by the Government shall however, be submitted by the Pension Disbursing Authorities to the Accountant-General, Andhra Pradesh. Applications for commutation of pensions should be forwarded to the Government only after the pension or anticipatory pension, as the case may be, is sanctioned by the competent authority. In the case, however, of officers to whom the Civil Pension (Commutation) Rules issued by the Secretary of State apply, applications, if any, for commutation of pension received by the Accountant-General should be forwarded to Government along with the application for pension.

2. Applicants for commutation of pension will not be allowed to select their own medical officers. They will be ordered to appear for medical examination before the District Medical Officer of the district in which they draw their pensions or any other medical officer selected by Government. In cases when the capitalized value

inclusive of the amount paid on account of previous commutations is Rs 5,000 or more, the applicants will be sent for examination before the Standing Medical Board without any preliminary medical examination

In the case of an applicant who has been granted an invalid pension, the grounds of invaliding or the statement on the medical case shall be communicated to the certifying medical authority before the certificate is signed A copy of the previous medical report or reports, if any, relating to an applicant for commutation of pension shall always be communicated to the certifying medical authority when a medical report is called for from him on a subsequent application for commutation

The report of medical examination whether by single medical officer or by the Standing Medical Board should be sent in the form annexed (Annexure II). When the medical examination is made by a single medical officer, the report in duplicate with the connected records should be sent confidentially to the Secretary to the Standing Medical Board The Secretary of the Board should forward to Government through the Accountant-General, the connected records and one copy of the medical report with the opinion of the Standing Medical Board recorded thereon

NOTE.—The medical report on an applicant for commutation residing outside the State shall also ordinarily be in the form prescribed in Annexure II.

3. The fee for medical examination for commutation of pension is Rs 16 whether the medical examination is conducted by a single medical officer or by the Standing Medical Board:

Provided that in the case of pensioners drawing Rs. 30 and less a month the fee shall be Rs. 10 when the examination is conducted by a single medical officer.

In the case of medical examination by the Standing Medical Board, the applicant should pay Rs. 4 out of the fee of Rs. 16 into a Government treasury, or into the State Bank of Hyderabad or their agents to the credit of Government under the head "XXVII Medical—Miscellaneous" and make over the receipt together with the remaining fee of Rs. 12 in cash to the Standing Medical Board at the time of examination.

If the pensioner is examined by a medical authority outside the State he shall pay to that authority such fees as may be required of him.

The applicant shall pay the fee prescribed above, except when he is directed to appear before the Standing Medical Board after an examination by a single medical officer when the examination will be made free of charge. The applicant shall himself bear the expenses of the journey to the place where the Standing Medical Board is located.

4. A pensioner whose application for commutation of pension is rejected either on the recommendation of a medical authority that he is not a fit subject for commutation of pension or for the reason that he has declined to accept commutation on the basis of addition to the actual age, as recommended by the medical authority will be allowed one re-examination by the Medical Board at his cost, provided that an interval of not less than one year has elapsed between the first medical examination and that of the second. The Medical Board re-examining the pensioner will be furnished with a copy of the report of the medical authority which previously examined him.

[G.O. No. 348, Finance (Pension), dated 1st June 1934, as amended by G.O. No. 1251, Finance (Pension), dated 24th November 1945]

ANNEXURE I.

FORM OF APPLICATION FOR COMMUTATION OF PENSION

I, desire to commute a portion of my *original / reduced pension of Rs. nP. (**sanctioned under the Revised Pension Rules, 1951 of the ex-Hyderabad State) a month.

---

*Here enter the class of pension—Superannuation, Retiring, Invalid or Compensation. The words 'Original' or 'reduced' should be scored out according as the circumstances require.

**In the case of pensioners who are not governed by Revised Pension Rules, 1951 of the ex-Hyderabad State the words 'Sanctioned under the Revised Pension Rules, 1951 of the ex-Hyderabad State' should be scored out.

I certify that I have correctly answered each and all of the questions below. My pension payment order number is ( ) and my pension is now being drawn from Treasury.

PLACE:

Date 19

Signature.
Designation..
Address:

Questions.	Answers
1. What is the date of your birth? ..	
2 How much of your pension do you wish to commute? . .	
3. Do you suffer from any complaint likely to shorten life? If so, state its nature. .. .	
4. Name the members of your family dependent on you with their respective sex and ages. .	
5. What is the date of your retirement?	
6. Whether any portion of your pension has already been commuted and whether any previous application made by you was rejected on medical grounds. .	
7. (i) State whether you claim that your domicile at the time of first appointment to Government service was non-Asiatic.	
(ii) If you claim non-Asiatic domicile at that time and the claim has already been admitted indicate the connection in which it was admitted. .	
(iii) If you claim non-Asiatic domicile at that time and the claim has not yet been admitted indicate the evidence on which you base your claim.	

PLACE:

Date: 19

Signature.

Endorsement of the Pension Disbursing Officer.

Forwarded to the Secretary to Government. Finance (Pension-Commutation) Department, through the Accountant-General, Andhra Pradesh, Hyderabad.

The pension is chargeable to

The amount and class of pension and the date of birth of the pensioner have been verified from the disburser's half of the pension payment order.

I have verified from the Pension Payment Register that no portion of his pension was previously commuted.

Rs. out of the original pension of Rs. was commuted for Rs. on

The identification marks of the pensioner are given below:—

PLACE:

Date: 19

Pension Disbursing Officer.

ANNEXURE II

MEDICAL REPORT FOR COMMUTATION OF PENSION

A. To be filled in by applicant and signed by him in the presence of the Medical Officer, or Secretary of the Medical Board.

1. Name in full .. .. ..
2. Date of birth . ..
3. Furnish the following particulars concerning your family:

Father's age, if living, and state of health.	Father's age at death and cause of death.	Number of brothers living, their ages and state of health.	Number of brothers dead, their ages at and cause of death.

Mother's age, if living, and state of health.	Mother's age at and cause of death.	Number of sisters living, their ages and state of health.	Number of sisters dead, their ages at and cause of death.

4. Have you ever been granted leave on medical certificate? If so, state periods of leave and nature of illness .. ..

5. Has any application for insurance on your life ever been declined or accepted at an increased premium? .. ..

6. Have you ever been told that you had albumen or sugar in the urine? ..

Do you rise at night to urinate? ..

Are you now or have ever been on special diet for your health? .. ..

Has there been any marked increase in your weight within the past three years? If so, how much? .. .. ..

7. Have you been under the treatment of any doctor within the last three months? If so, for what illness? .. ..

I certify that my answers to the foregoing questions are correct.

Signature of applicant.

Signed in my presence at this day of 19 .

Signature of Medical Officer.

B. To be filled in by Medical Officer or Medical Board.

1. Apparent age .. ..
2. Height .. .. ..
3. Weight .. .. ..
4. Girth of abdomen at level of umblicus
5. Pulse rate {(a) Sitting .. / (b) Standing ..

   What is character of pulse? ..
6. What is condition of arteries? ..
7. Blood pressure {(a) Systolic .. / (b) Diastolic ...
8. Is there any evidence of disease of the main organs—

   (a) Heart .. .. ..

   (b) Lungs .. .. ..

   (c) Liver .. .. ..

   (d) Spleen ..

   (e) .. .. ..
9. Does chemical examination of urine show—(i) albumen and (ii) sugar? State specific gravity .. .. ..
10. Has the applicant a rupture? If so, state the kind and if reducible ..
11. Describe any scars or identifying marks .. . .
12. Any additional information ..

I am / We are of opinion that is / is not in good bodily health, and has / has not the prospect of an average duration of life.

I do / We do not recommend compliance with his application to be allowed to capitalize a portion of his pension, and his age for this purpose should be taken at years, i.e., years more than the actual age (i.e., age next birthday). I / We have found upon the applicant marks corresponding with the identification marks described in the application for commutation of pension.

Reasons for (a) Non-compliance of application,

or

(b) Recommendation of increase in years above actual age.

Signature of Medical Officer or
Members of Board.

APPENDIX 6.

THE ANDHRA PRADESH CONTRIBUTORY PROVIDENT FUND - PENSION - INSURANCE RULES, 1950.

(Corrected up to 30th June 1959.)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following rules regulating the Contributory Provident Fund, Pension and Insurance benefits for superior servants holding pensionable posts in connexion with the affairs of the State:—

RULES.

1. (i) These rules may be called the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950

(ii) They shall come into force on the 1st April 1950.

2. These rules shall apply to—

(i) all Government servants in superior service under the rule making control of the Governor of Andhra Pradesh entering service on or after the 1st April 1950;

(ii) all such Government servants without any substantive appointment and permanent Government servants in superior service with a total service of less than ten years, who are already in the service of the Government on the 1st April 1950, and who elect to come under these rules:

Provided that—

(*a*) in the case of a Government servant who was on duty on the 1st April 1950 and who is likely to be in service without a break from that date and who in addition has satisfactorily completed, on or before that date his probation in the post in which he was first appointed or if no probation has been prescribed for the post, has put in, on or before that date, a satisfactory service for a total period of two years within a continuous period of three years, the option to elect to come under these rules may be exercised at any time before *the 31st December* 1956;

(*b*) in the case of a Government servant who was on leave, on the 1st April 1950 and who, on that date, satisfies the conditions mentioned in clause (*a*), the option to elect to come under these rules may be exercised at any time within a period of three months from the date on which he returns from leave or at any time before *the 31st December* 1956, whichever is later;

(*c*) in the case of a Government servant who, on the 1st April 1950, was either on duty or on leave and who, on that date, does not satisfy the conditions mentioned in clause (*a*), the option to elect to come under these rules may be exercised at any time within three months from the date on which he satisfies the conditions or at any time before *the 31st December* 1956, whichever is later;

(*cc*) Notwithstanding anything contained in clauses (*a*), (*b*) and (*c*) above, the Government, may for valid reasons permit a Government servant to come under these rules; and

(*d*) in all cases the option once exercised shall be final; and

(iii) all subscribers to Contributory Provident Fund and who have been or will be brought under these rules, on their permanent transfer to pensionable service under the Government.

NOTE 1.—For the purpose of these rules, the terms 'Superior' and 'Last-Grade' shall have the same meaning as in the Civil Service Regulations.

NOTE 2.—The term 'total service' occurring in sub-rule (ii) shall include non-permanent service, either continuous or broken, rendered in a regular capacity and shall exclude last grade service Service rendered prior to resignation, unless the consequent break has been regularised by the grant of leave, and periods of break shall also be excluded.

NOTE 3.—The rules shall apply to a Government servant whose service is partly last grade and partly superior, in respect of his superior service unless at the time of promotion to superior service he elects to treat his entire service as last grade.

NOTE 4.—The exercise of the option in all cases shall be made in writing to the authority which maintains the record of service. In the case of a non-gazetted Government servant it shall be clearly noted in the Service Book and Annual Establishment Return, and in the case of a Gazetted Officer, it shall be recorded in the History of Services.

NOTE 5.—These rules were made applicable to officers and servants of the High Court of Andhra Pradesh and to members and staff of the Andhra Pradesh Public Service Commission—Vide G.O. Ms. No. 2083, Home, dated 6th May, 1950 and G.O. Ms No. 2283, Public (Services) dated 27th May, 1950 of the Composite Madras State, as subsequently amended.

I. Pensions and gratuity.

3. The amount of pension or gratuity admissible to a person governed by these rules shall be one-half of the scale laid down in Articles 474 and 474-A of the Civil Service Regulations.

II. Contributory Provident-Pension Fund.

4. (1) In these rules, unless there is anything repugnant in the subject or context or otherwise specifically provided for—

(i) Account Officer means the Accountant-General, Andhra Pradesh.

(ii) Emoluments means pay, leave-salary or subsistence grant, as defined in the Fundamental Rules, and includes—

(a) any wages paid by Government to employees not remunerated by fixed monthly pay; and

(*b*) any remuneration of the nature of pay received in respect of foreign service.

(iii) Family means—

(*a*) in the case of male subscriber, the wife or wives and children of a subscriber, and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law

of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Account Officer that she shall continue to be so regarded; and

(*b*) in the case of a female subscriber, the husband and children of the subscriber and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notification in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

Explanation I.—'Children' means legitimate children.

Explanation II.—An adopted child shall be considered to be a child, when the Account Officer, or if any doubt arises in the mind of the Account Officer, the State Counsel, is satisfied that under the personal law of the subscriber, adoption is legally recognized as conferring the status of a natural child, but in this case only.

(iv) Government, Governor and State mean respectively, 'the Government, the Governor and the State of Andhra Pradesh;

(v) Leave means any variety of the leave recognized by the Fundamental Rules or the Civil Service Regulations, whichever may be applicable to the subscriber;

(vi) Year means a financial year.

(2) Any other expression employed in these rules which is defined either in the Provident Funds Act, 1925 (Central Act XIX of 1925) or in the Fundamental Rules is used in the sense therein defined.

5. The Contributory Provident-Pension Fund under these rules (hereinafter referred to as the 'Fund') shall be administered by the Government of Andhra Pradesh and shall be maintained in India in rupees.

6. Every future entrant to Government service shall join the Fund with effect from the date on which the appointing authority certifies that he is likely to be in service without a break provided that he has satisfactorily completed his probation in the post in which he was first appointed or, if no probation has been prescribed for the post, after he has put in a satisfactory service for a total period of two years within a continuous period of three years, as the case may be, and shall from that date be a subscriber to the Fund. The Government servant referred to in clause (*a*) in the proviso to rule 2 (ii) shall join the Fund from the 1st April 1950, the Government servant referred to in clause (*b*) shall join the fund from the date of his return to duty from leave and the Government servant referred to in clause (*c*) shall join the Fund from the date on which he satisfies the conditions referred to in clause (*a*) of the said rule.

The balance at the credit of any such subscriber in any non-contributory Provident Fund maintained by the Government shall with effect from that date be transferred to his credit in the Fund

NOTE.—Every future entrant to Government Service shall join the fund with effect from the date of completion of probation, or, if no probation has been prescribed for the post, the date following the date of completion of a total period of two years within a continuous period of three years, as the case may be, and he shall be a subscriber to the Fund from the date

6-A. If an employee under a local body, who is a subscriber to the Provident Fund established and maintained by it, is permanently transferred to pensionable service under Government.

(i) the amount of subscriptions, with interest thereon, standing to his credit in the local body's Provident Fund shall be transferred to his credit in the Fund, and

(ii) if such employee retains the Provident Fund benefits in respect of his previous contributions by the local body, the amount of contributions by the local body, with interest thereon, standing to his credit in the local body's Provident Fund, shall also be transferred to his credit in the Fund.

6-B. If a subscriber to the Contributory Provident Fund (Andhra Pradesh) is brought under these rules on his permanent transfer to pensionable service under the Government.—

(i) the amount of subscriptions, with interest thereon standing to his credit in the Contributory Provident Fund (Andhra Pradesh) shall be transferred to his credit in the Contributory Provident Pension Fund.

(ii) the amount of contributions by Government with interest thereon standing to his credit in the Contributory Provident Fund (Andhra Pradesh) shall be recredited to the Government, and

(iii) he shall be entitled to count towards pension and Government contribution under these rules such part of the period during which he subscribed to the Contributory Provident Fund (Andhra Pradesh) as the Government may determine.

7. A Government servant who is a subscriber to the Fund shall not join the General Provident Fund (Andhra Pradesh).

8. An account shall be opened in the name of each subscriber in which shall be credited—

(i) the subscriber's subscriptions;

(ii) contributions made by the Government to his account;

(iii) interest, as provided by rule 11, on subscriptions; and

(iv) interest, as provided by rule 11, on contributions.

9. (1) Every subscriber shall subscribe monthly to the Fund when on duty or on foreign service.

(2) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions:—

(*a*) It shall be expressed in whole rupees.

(*b*) It may be any sum, so expressed, not less than 6¼ per cent of his pay or leave salary

NOTE 1.—' Pay ' for purposes of this rule shall mean pay as defined in Fundamental Rule 9 (21).

If 6¼ per cent of the pay or leave salary represents a sum not expressible in whole rupees, the nearest sum in whole rupees shall be taken as the minimum subscription (fifty naye paise or more counting as the next higher rupee).

NOTE 2.—In the case of Government servants referred to in the provisos to rule 2 (ii) the first deduction towards subscription to the Fund shall be made in the pay bill for the month in which account numbers are allotted by the Account Officer or if it is not possible to make any deduction in the pay bill for that month, it shall be made in the pay bill for the next month

NOTE 3.—Recovery in respect of arrears of subscriptions to the Fund due from them for the previous months shall be made in the pay bills for the month in which the first deduction is made and for the subsequent months, in such a manner that not more than one month's arrear subscription shall be deducted in a month's pay bill.

(*c*) A subscriber may, at his option, not subscribe during leave. He shall intimate his election not to subscribe during the leave in the following manner:—

(i) If he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave

(ii) If he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave.

The option of a subscriber intimated under this clause shall be final. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

10. (1) Except as provided otherwise in this rule the Government shall with effect from the date on which a certificate is issued by the appointing authority under rule 6 or from the date from which the subscriber is confirmed in service, whichever is earlier, make a contribution to the account of each subscriber at the rate of five naye paise in the rupee of actual pay drawn from time to time or at such other rate as may be prescribed by the Government by general or special order with reference to the prevailing borrowing rate of the Government.

Provided that, if the amount subscribed is less than the amount of subscription payable by the subscriber under sub-rule (2) of rule 9 and if the balance of the amount of subscription remaining unpaid together with the interest payable thereon is not paid by the subscriber within such time as may be fixed by the appropriate authority specified in paragraph 2 of the Fifth Schedule the amount of contribution shall be equal to the amount of subscription actually paid by the subscriber or to the amount payable by the Government under these rules, whichever is less, unless the Government in any particular case, otherwise directs.

NOTE 1.—' Pay ' for the purpose of this rule shall mean pay as defined in Fundamental Rule 9 (21). In the case of Government servants on military duty ' pay ' shall also include—

Staff Surgeons' allowance.
Registrar's allowance.
Specialist pay.
Special allowance.
Emergency allowance.
Cipher allowance.

Charge pay.
Command pay.
Second-in-Command pay.
Additional pay.
Registrar's pay.
Corps pay.
Family allowance.
Trade pay.
Engineers pay.
War Pay
Adjutants allowance
Indian army allowance.
War Service Increments.
Overseas pay.
Intelligence allowance
Censor allowance.
Proficiency pay.
Grade pay.
Good service pay.
Naval Headquarters Duty Allowance.
Infectious Disease War Allowance.

NOTE 2.—The Government shall with effect from the date specified in the note below rule 6 or from the date from which the subscriber is confirmed in service, whichever earlier, make a contribution to the account of each subscriber at the rate specified in this rule

(2) The Government shall make the contribution to the Fund even during the period of leave including extraordinary leave, based on the pay the Government servant would have drawn had he been on duty.

(3) The amount of contribution payable under sub-rules (1) and (2) shall be calculated after the end of each year and credited to the subscriber's account rounded to the nearest whole rupee (fifty naye paise or more counting as the next higher rupee).

(4) In the case of a Government servant mentioned in the proviso to rule 2 (ii) the Government contribution in respect of past service shall be calculated from the date on which he has satisfactorily completed his probation in the post in which he was first appointed or, if no probation has been prescribed for the post, after he has put in a satisfactory service for a total period of two years within a continuous period of three years, as the case may be, or from the date on which he has been continuously in Government employ whichever is later and credited in lump to the Government servant's account with interest calculated at 3 per cent per annum.

If, however, the Government servant is confirmed in service from a date earlier than any of the dates mentioned above, the Government contribution shall be calculated from the date of such confirmation.

11. (1) Interest at such rates as may be prescribed by the Government from time to time shall be paid on Government servant's own subscriptions to the Fund in a year, and the amounts already to his credit in the Fund.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner:—

(i) on the amount at the credit of a subcriber on the 31st March of the preceding year, less any sums withdrawn during the current year—interest for twelve months;

(ii) on sums withdrawn during the current year—interest from the 1st April of the current year up to the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to the subscriber's account after the 31st March of the preceding year—interest from the date of deposit up to the 31st March of the current year; and

(iv) the total amount of interest shall be rounded off to the nearest rupee, fifty naye paise or more counting as the next higher rupee:

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable.

(3) For the purposes of this rule the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered; and, in the case of amounts, forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if they are received by the Account Officer before the fifth day of that month, or, if they are received on or after the fifth day of that month, the first day of the next succeeding month.

(4) In addition to any amount to be paid under rule 24, interest thereon up to the end of the month preceding that in which payment is made, or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Account Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque after the date on which the cheque in the person's favour is put in the post.

(5) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

(6) The interest on amounts which, under sub-rule (3) of rule 33, sub-rule (4) of rule 35, or sub-rule (1) of rule 37 or sub-rule (1) or sub-rule (2) of rule 38 or rule 22 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.

12. No subscriber shall be permitted to withdraw either as an advance or for payment of insurance premia any amount from the portion of the accumulations in the Fund representing the Government contributions and interest thereon.

13. Subject to the restriction in rule 12 temporary advances may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Fifth Schedule subject to the following conditions:—

(*a*) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise:—

(i) to pay expenses incurred in connexion with the prolonged illness of the applicant or any person actually dependent on him;

NOTE.—An advance is permissible to meet the expenses on account of "confinement" (1) in cases necessitating prolonged medical attention, prolonged stay in a hospital or protracted treatment and (2) in other circumstances involving expenditure disproportionate to the subscriber's income.

(ii) to pay for the overseas passage for reasons of health or education of the applicant or any person actually dependent on him;

(iii) to pay obligatory expenses on a scale appropriate to the applicant's status which by customary usage the applicant has to incur in connection with marriages, funerals, or other ceremonies, of persons actually dependent on him.

(*b*) An advance shall not, except for special reasons, exceed three months' pay, and shall in no case exceed the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund.

(*c*) An advance shall not, except for special reasons, be granted until at least twelve months after the final repayment of all previous advances together with interest thereon, unless the amount already advanced does not exceed two-thirds of the amount admissible under clause (b). In making an advance under this rule, the sanctioning authority shall see that the balance of the subscriptions and interest thereon left in the Fund after making the advance, is sufficient to cover insurance premia payable under rule 29 of these rules.

(*d*) The sanctioning authority shall record in writing its reason for granting the advance;

Provided that if the reason is of a confidential nature it may be communicated to the Account Officer confidentially.

14. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects; or in any case more than twenty-four. A subscriber may, at his option, make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner provided in rule 21 for the realization of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is on leave or in receipt of subsistence grant, and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (*a*) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest, shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (*a*) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded off to the nearest rupee, fifty naye paise or more counting as the next higher rupee.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall with interest at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund, or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as Government may direct:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited, as they are made, to the account of the subscriber in the Fund.

15. When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to the provisions of rules 16, 17 and 22, become payable to him.

Provided that where a subscriber is dismissed, removed or compulsorily retired from service, the amount standing to his credit in the Fund shall not become payable to him—

(*a*) if he has preferred an appeal against such dismissal, removal or compulsory retirement until the appeal is disposed of, or unless he states in writing that he has withdrawn the appeal; and

(*b*) if he has not preferred such an appeal, until the time allowed for preferring an appeal has expired or unless he stated in writing that he will not prefer an appeal.

Provided further that a subscriber who has been dismissed, removed or compulsorily retired from service and is subsequently reinstated in service, shall, if required to do so by the authority ordering the reinstatement, repay any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate prescribed in rule 11, in the manner provided in the proviso to rule 22. The amount repaid shall be credited to his account in the Fund, the part which represents his

subscriptions and interest thereon and the part which represents the Government contribution with interest thereon being accounted for in the manner provided in rule-8

NOTE.—For the purpose of this rule, the discharge from service of a subscriber as a disciplinary measure will amount to dismissal or removal from service

16. When the sum standing to the credit of any subscriber in the Fund becomes payable, there may, if the Government so direct, be deducted therefrom and paid to the Government, any amount due under a liability incurred by the subscriber to the Government but not exceeding in any case the total amount of any contribution with interest thereon credited to the account of the subcriber under rules 10 and 11.

17. In the event of resignation from service of a Government servant within five years of the commencement thereof, or dismissal he shall, unless the Government otherwise direct, be paid only the amount of his own subscriptions together with the interest thereon to his credit in the Fund, and the amount of Government contributions together with interest thereon standing to his credit shall be withdrawn and credited to Government.

NOTE.—For the purpose of this rule, the term 'dismissal' will include removal or discharge from service of a Government servant as a disciplinary measure.

18. (1) A subscriber shall, as soon as may be after joining the Fund, send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer

Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination

(*a*) in respect of any specified nominee that in the event of his predeceasing the subscriber the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;

(*b*) that the nomination shall become invalid in the event of the happening of a contingency specified therein; provided that if at the time of making the nomination the subscriber has no family, he shall

provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-rule (5) or the proviso thereto the subscriber shall send to the Account Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Account Officer.

19. The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(*a*) if he was on duty on the 31st March of the preceding year by the deduction which he makes in this behalf from his pay bill for that month;

(*b*) if he was on leave on the 31st March of the preceding year and has elected not to subscribe during such leave; or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(*c*) when he becomes eligible to join the Fund, under rule 6, by the deduction which he makes from his pay bill for the month in which he joins the Fund;

(*d*) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

(*e*) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year; and

(*f*) if his emoluments are of a fluctuating nature in such manner as Government may direct.

The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

Provided further that a subscriber may increase his rate of subscription at any time during the course of a year to finance his insurance policy from the Fund if so directed by the Account Officer;

Provided also that upto the 31st March, 1959, a subscriber may increase the rate of his subscription at any time during the course of a year in addition to any change that may be made in his pay bill for March.

20. When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund

in the same manner as if he had not been so transferred or sent on deputation.

21. (1) When emoluments are drawn from a Government treasury in India, recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer

22. When a subscriber—

(*a*) has proceeded on leave preparatory to retirement, or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or

(*b*) while on leave, has been permitted to retire or declared by a Medical Authority to be unfit for further service, the amount of subscriptions and interest thereon standing to his credit in the Fund shall, upon application made by him in that behalf to the Account Officer, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall if required to do so by Government, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 11 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as Government may direct.

23. Subject to any deduction under rules 16 and 17, when a subscriber dies while in service or after the amount standing to his credit has become payable but before payment has been made,

when the subscriber leaves a family—

(*a*) if a nomination made by the subscriber in accordance with the provisions of rule 18 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination;

(*b*) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(1) sons who have attained legal majority;

(2) sons of a deceased son who have attained legal majority;

(3) married daughters whose husbands are alive; and

(4) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

NOTE.—(1) Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

(2) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 18 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

(3) When a nominee is a dependant of the subscriber as defined in clause (c) of section 2 of the Provident Funds Act 1925, the amount vests in such nominee under sub-section (2) of section 3 of that Act

(4) When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 18 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

24. (1) When the amount standing to the credit of a subscriber in the Fund, or the balance thereof after any deduction under rule 16 or rule 17, becomes payable, it shall be the duty of the Account Officer, after satisfying himself, when no such deduction has been directed under that rule, that no deduction is to be made, to make payment as provided in section 4 of the Provident Funds Act, 1925.

(2) If the person to whom, under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment or reassignment or delivery shall be made to such manager, and not to the lunatic

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Account Officer Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

NOTE.—When the amount standing to the credit of a subscriber has become payable under rules 16, 22 or 23 the Account Officer shall authorize prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon thereafter as may be.

25. When paying a subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

26. (1) As soon as possible after the 31st March of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the

closing balance on that date The Account Officer shall attach to the statement of account an enquiry whether the subscriber—

(*a*) desires to make any alteration in any nomination made under rule 18;

(*b*) has acquired a family [in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 18].

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Account Officer within three months from the date of receipt of the statement

(3) The Account Officer shall, if required by a subscriber once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

III. *Insurance.*

27. A Government servant shall, within one complete year from the date on which he becomes a subscriber to the Fund, or in the case of a person who was already in the service of the Government on the 1st April 1950 and who elects and is permitted by the Government to come under these rules, within one complete year from the date on which he joins the Fund, insure his Life with the Andhra Pradesh Life Insurance Fund by paying a monthly subscription in accordance with the scale given below and keep the policy alive and unencumbered.

Scale of Monthly Subscriptions.

		Pay Rs.	Scale Rs.
Upto		50.00	2.00
50.01	to	100.00	4.00
100.01	to	200 00	8.00
200 01	to	300 00	12.00
300 01	to	400.00	16.00

and for every further rupees 100 or part thereof, rupees 4.

Provided that a Government servant who proves to the satisfaction of the Head of the Office that he has already taken out an insurance policy for which he has to pay premia at rates not less than the subscriptions referred to above and that such policy is unencumbered, shall not be required to take out a fresh policy under this rule.

NOTE (1).—An insurance policy to be taken out by a Government servant under this rule will be an endowment policy provided that the amount of insurance is payable only on his attaining the age of superannuation or at his death whichever is earlier. An Insurance policy already taken out by a Government servant which will become payable while he is in service may, however, be accepted as sufficient for the purpose of this rule, provided that, if the policy is financed from his private resources (and not

from the Fund), he deposits the policy with the Head of the Office if he is a non-gazetted officer or with the Head of the Department if he is a gazetted officer and also gives undertaking in the form set forth in the Sixth Schedule that he will on the maturity of the policy, draw the amount from the Insurance Company and remit it to the credit of his Contributory Provident Pension Fund. The undertaking so given should be in the custody of the Head of the Office in the case of non-gazetted Government servants and of the Head of the Department in the case of gazetted officers. In cases where the maturity value of the policy become due for payment before the date of superannuation of the Government servant, but could not be realised before the date of retirement for some reason or other, the policy shall be returned to the Government servant without insisting on the credit of the amount to the provident fund account. The insurance amount credit to the Provident Fund Account will carry interest as in the case of subscriptions to the Fund. If the amount drawn from the Insurance Company is greater than the amount of policy for which he has to pay the minimum subscription under this rule, the Government servant may, if he so desires remit to his credit in the Fund only the amount of policies referred to above and retain the balance with him. Whether a Government servant has drawn the amount while in service shall be checked in accordance with the procedure prescribed in rule 41. The Head of the Office in the case of non-gazetted Government servants and the Head of the Department concerned in the case of gazetted Government servants shall, while sanctioning temporary and special advances from the Fund to such Government servants, satisfy themselves that the amounts of policies referred to above prescribed in rules 27 are left in the Provident Fund Account after the value of the policy is credited to the Fund, till the date of final closure of the account. The Account Officer may, in such cases, refuse withdrawals below the amounts of policies referred to above.

In cases where an insurance policy which is financed from the Fund matures before the date of superannuation of the subscriber the amount required to be credited to the Fund will be the amount withdrawn from the Fund, with interest thereon or the amounts of policies referred to above, whichever is greater, as provided in rule 38.

NOTE (2).—The one year time limit specified in the rule shall be reckoned from the date on which the Government servant is actually admitted to the Fund and allotted an account number by the Accounts Officer of the Fund.

27-A. Once a policy has been accepted for the purpose of Rule 27, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom the details of the allocation or of the new policy shall be furnished.

28. When the pay of a Government servant alters either in a substantive or officiating capacity so as to bring him to a higher group in the table in rule 27, he shall within six months of the alteration in his pay, make additional subscription so as to bring his total insurance subscriptions to the minimum subscription appropriate to his new pay. No such additional subscription need, however, be made in a case where in the opinion of the appointing authority, the Government servant's chances of holding the officiating post on higher pay are not such as to enable him to finance the policy for the higher amount.

NOTE.—Rules 27 and 28 shall not apply to a Government servant who is wholly rejected for insurance as a bad life or, in the case of a Government servant who has completed the age of 40 years. A Government servant who is wholly rejected for insurance as a bad life, shall, however, be admitted to the Contributory Provident-Pension Fund Scheme by the appointing authority in respect of the post held by him. The appointing authority shall, on the basis of the letter of the Andhra Pradesh Life Insurance Fund rejecting the Government servant for insurance as a bad life, declare that rules 27 and 28 shall not apply to him.

28-A. Failure of a Government servant to comply with the provisions of rules 27, 27-A and 28 will make him liable for disciplinary action under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules For this purpose, the procedure prescribed under rule 15 of the said rules shall be observed.

29. A subscriber may at his option withdraw annually, from the portion of the accumulations in the Fund representing his own subscription including interest thereon, the amount required for payment of life insurance premia The Government will not make any payments on behalf of subscribers to insurance companies direct, nor takes steps to keep a policy alive.

30. A policy taken under these rules may be assigned to any member of the subscriber's family but not to anyone else as a gift or for value received.

30-A. A subscriber who has no family as defined in rule 4 (1) (iii) and who finances his insurance policy from his private resources, may, as soon as he takes up the policy, nominate one or more persons conferring on them the right to receive the amount due under the terms of the policy in the event of his death before the amount has become payable or having become payable has not been made, provided that in the event of his subsequently acquiring a family, he shall make a fresh nomination in favour of one or more of the members of his family. The subscriber shall also give an undertaking that in the event of his acquiring a family, he would intimate the fact to the Head of his office, so that proper nomination may be obtained and recorded.

31 Subject to the condition contained in rules 32 to 39—

(*a*) payments towards a postal life insurance policy may, at the option of the subscriber, be substituted for the whole or part of subscriptions to the fund;

(*b*) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—

(i) payments towards an insurance policy;

(ii) purchase of a single payment insurance policy;

(iii) payment of a single premium:

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable, or (2) to meet any payment or purchase made or effected more than three months before the withdrawal, or (3) in excess of the amount required to meet a premium or subscription actually due for payment within three months of the date of withdrawal. The Account Officer shall, before accepting as suitable the details of the proposed policy, satisfy himself that the policy is taken out mainly for the benefit of the subscriber's family and shall refuse to accept a policy which does not fulfil this condition:

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment, or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.

(*c*) Any amount withdrawn under clause (*b*) shall be paid in whole rupees only rounded to the nearest rupee, fifty naye paise or more counting as the next higher rupee.

31-A (1). The number of policies in respect of which substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund may be permitted under rule 31, shall not exceed four:

Provided that where immediately before the 16th August, 1954 substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund, is permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of those policies.

(2) The premium for a policy (including any policy referred to in the proviso to sub rule (1) in respect of which withdrawal of subscriptions from the Fund may be permitted under rule 31 shall not be payable otherwise than annually:

Explanation: In computing the maximum number of policies specified in sub rule (1), policies which have matured shall be excluded.

32. (1) If the total amount of any subscriptions or payments substituted under clause (*a*) of rule 31 is less than the amount of the minimum subscription payable to the Fund under rule 9, the difference shall be rounded off to the nearest rupee, fifty naye paise or more counting as the next higher rupee and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (*b*) of rule 31, he shall, subject to his option under clause (*a*) of that rule, continue to pay to the Fund the subscription payable under rule 9.

33. (1) A subscriber who desires to substitute a subscription or payment under clause (*a*) of rule 31 may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

(*a*) intimate to the Account Officer on his pay bill or by letter the fact of, and reason for, the reduction;

(*b*) send to the Account Officer, within such period as the Account Officer may require receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (*a*) of rule 31.

(2) A subscriber who desires to withdraw any amount under clause (*b*) of rule 31 shall—

(*a*) intimate the reason for the withdrawal to the Account Officer by letter;

(*b*) make arrangements with the Account Officer for the withdrawal;

(*c*) send to the Account Officer, within such period as the Account Officer may require receipts or certified copies of receipts in order to satisfy the Account Officer that the amount withdrawn was duly applied for the purposes specified in clause (*b*) of rule 31.

(3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or any amount withdrawn in respect of which he has not been satisfied in the manner required by clause (*b*) of the proviso to sub-rule (1) and clause (*c*) of sub-rule (2), with interest thereon at the rate provided in rule 11 from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

34. (1) It is immaterial what form the policy takes, provided that it shall be one effected by the subscriber himself on his own life and shall (unless it is a policy expressed on the face of it to be for the benefit of his wife or of his wife and children, any of them) be such as may be legally assigned by the subscriber himself to the Governor.

Explanation 1.—A policy on the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber himself for the purpose of this sub-rule.

Explanation 2 —A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first reassigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(2) The policy may not be effected for the benefit of any beneficiary other than the wife of the subscriber or his wife and children or any of them.

35. (1) The policy, within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or, in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer, if he is satisfied by the production of the completion certificate (interim receipt) may fix, shall—

(*a*) unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Governor, as security for the payment of any sum which may become payable to the Fund under rules 37 to 39, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) or Form (4)

of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife, or the policy has previously been assigned to the subscriber's wife;

(b) if it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the insurance company, where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered within the said period of six months or such further period as the Account Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 12, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise as may be directed by the Heads of Departments as defined in the Fundamental Rules.

(5) Notice of assignment of the policy shall be given by the subscriber to the insurance company, and the acknowledgement of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.

NOTE 1.—On receipt of a policy re-assigned by the Governor with reference to rule 26-A of the General Provident Fund (Andhra Pradesh) Rules, the subscriber shall again assign it to the Governor under these rules;

NOTE 2.—Subscribers are advised to send notice of the assignment to the insurance company in duplicate, accompanied in cases in which the notice has to be sent to a company in Great Britain or Ireland, by a remittance of five shillings, which is the fee for the acknowledgement authorized, by Policies of Assurance Act, 1867. The policy itself bearing the assignment endorsed thereon, need not be sent to the company, as insurance companies do not ordinarily require the production of the original instruments affecting a policy-holder's title until the policy becomes a claim.

NOTE 3.—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law, assignments or reassignments are required to be stamped within 30 days of their first arrival in those countries. Otherwise, penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment.

36. The subscriber shall not, during the currency of the policy, draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in default recovered by deduction from his emoluments by instalments or otherwise as the Government may direct.

37. (1) Save as provided by sub-rule (3) of rule 39, when the subscriber—

(*a*) quits the service, or

(*b*) has proceeded on leave preparatory to retirement and applies to the Account Officer for reassignment or return of the policy, or

(*c*) while on leave, has been permitted to retire or declared by a medical authority to be unfit for further service and applies to the Account Officer for reassignment or return of the policy, or

(*d*) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in clause (*a*) of rule 31 and sub-clauses (i) and (ii) of clause (*b*) of rule 31, with interest thereon at the rate provided in rule 11, the Account Officer shall—

(i) if the policy has been assigned to the Governor under rule 35, reassign the policy in the first Form set forth in the Third Schedule to the subscriber, or to the subscriber and the joint assured as the case may be, and make it over to the subscriber together with a signed notice of the reassignment addressed to the insurance company;

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 35, make over the policy to the subscriber:

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by a medical authority to be unfit for further service, returns to duty, any policy so reassigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the Governor and delivered to the Account Officer, or again be delivered to the Account Officer, as the case may be, in the manner provided in rule 35, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy:

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 35, applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by sub-rule (3) of rule 39, when the subscriber dies before quitting the service, the Account Officer shall—

(i) if the policy has been assigned to the Governor under rule 35, reassign the policy in the second form set forth in the Third Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the reassignment addressed to the insurance company;

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 35, make over the policy to the beneficiary, if any, or if there is no beneficiary, to such person as may be legally entitled to receive it.

38. (1) If a policy assigned to the Governor under rule 35 matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and his wife, assigned under the said rule, falls due for payment by reason of the wife's death the Account Officer shall, save as provided by sub-rule (3) of rule 39, proceed as follows:—

(i) if the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, the Account Officer shall reassign the policy in the form set forth in the Fourth Schedule to the subscriber or to the subscriber and the joint assured as the case may be, and make it over to the subscriber, who shall pay or repay to the Fund the whole of any amount witheld or withdrawn with interest, and in default, the provisions of rule 40 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (*a*) or clause (*b*) of rule 31 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

(ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realize the amount assured together with any accrued bonuses and shall place the amount so realized to the credit of the subscriber in the Fund.

(2) Save as provided by sub-rule (3) of rule 39, if a policy delivered to the Account Officer under clause (*b*) of sub-rule (1) of rule 35 matures before the subscriber quits the service the Account Officer shall make over the policy to the subscriber:

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy moneys are paid to him by the insurance company, shall immediately on receipt thereof pay or repay to the Fund either—

(i) the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, or

(ii) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and in default, the provisions of rule 40 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (*a*) or clause (*b*) of rule 31 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

39. (1) If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund which amount shall, in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise, as Government may direct.

(2) If the policy lapses or becomes assigned otherwise than to the Governor under rule 35, charged or encumbered, the provisions of the sub-rule (4) of rule 35 applicable to a failure to assign and deliver a policy shall apply.

(3) If the Account Officer receives notice of—

(*a*) an assignment (other than an assignment to the Governor under rule 35), or

(*b*) a charge or encumbrance on, or

(*c*) an order of a court restraining dealings with—the policy or any amount realized thereon, the Account Officer shall not—

(i) reassign or make over the policy as provided in rule 37, or

(ii) realize the amount assured by the policy, or reassign or make over the policy, as provided in rule 38, but shall forthwith refer the matter to the Government.

40. Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under rule 13 or withheld or withdrawn from the Fund under clause (*a*) or clause (*b*) of rule 31 has been utilized for a purpose other than that for which the drawal, withholding or withdrawal of the money was sanctioned, the amount in question, shall, with interest at the rate provided in rule 11, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments, of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.

NOTE.—The term " emoluments " as used in this rule does not include subsistence grant.

41. A Government servant who finances his insurance policy himself shall once a year produce before the head of the office or in cases where he himself is the head of the office, to his immediate superior evidence that the policy is kept alive and is unencumbered.

IV. Special provisions for Government servants on foreign service or transferred to or from another State or Union.

42. If a subscriber is on foreign service, the amount payable as Government contribution to the Fund shall be recovered from the foreign employer and the pensionary contribution shall be limited to one-half of the rates laid down in the Fundamental Rules.

43. If a subscriber is transferred temporarily to another Government, the borrowing Government shall pay the Government contribution to the Fund, each year in addition to its liability to the reduced

pension. In cases where such transfers to another Government are subsequently made permanent and also in cases where a subscriber at first temporarily transferred to another State Government is eventually transferred permanently to the Central Government, the contributions recovered from the borrowing Government shall be re-credited to that Government.

44. (i) The Government contribution to the Fund to be recovered from a foreign employer or a borrowing Government shall be based on the pay drawn by the Government servant from time to time in foreign service or under the borrowing Government.

NOTE —The Government contribution in the case of Government servants who were on deputation before the 1st April 1950 and who did not hold substantive appointments at the time of deputation shall be credited to the Contributory Provident Pension-Fund account, even though no pension contribution is recoverable from the foreign employer or borrowing Government for that service. In the case of those holding substantive appointments at that time, no increased pension contribution shall be claimed from the foreign employer on the ground that the Government contribution in their case is based on pay drawn in foreign service, and the pension contribution shall, as usual, be calculated only on the maximum pay of the post substantively held by them.

(ii) In the case of a Government servant of the Co-operative department who is on foreign service, the recovery of pension contribution shall be at 4¾ per cent of the maximum pay of the time-scale if he holds a non-gazetted post, and at half of 11 13 per cent (*i.e.*, 5.57 per cent) of the maximum pay of the time-scale if he holds a gazetted post and the recovery towards Government contribution to the Fund shall be based on the average cost of the post held by him in foreign service. The actual contribution by the Government to his Fund account shall, however, be made on the pay drawn by him in foreign service from time to time.

(iii) A foreign employer shall pay the Government contribution to the Fund not only for the period of foreign service but also for the period of leave earned by the Government servant in foreign service.

45. If a subscriber is transferred permanently to another Government or another post to which these rules do not apply—

(i) he shall cease to subscribe to the Fund;

(ii) the amount of contributions made by the Goverment together with interest thereon standing to his credit in the Fund shall be recredited to the Government;

(iii) the amount of subscriptions together with interest thereon, standing to his credit in the Fund shall be transferred to his credit in any provident or other fund to which he may be eligible to subscribe in his new post; and

(iv) his pensionary benefits shall be governed by the ordinary rules in the Civil Service Regulations or other rules applicable to him and the Andhra Pradesh Government shall bear the full pensionary liability in respect of the services rendered by him under them.

APPENDIX.

The First Schedule.

[*See* rule 18 (3)]

FORMS OF NOMINATION

I. When the subscriber has a family and wishes to nominate one member thereof

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 4 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of nominee.	Relationship with subscriber.	Age.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 4 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, to receive the amount that may stand to my credit in the Fund, in the event of my death, before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees.	Relationship with subscriber.	Age.	* Amount or share of accumulations to be paid to each.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I having no family as defined in rule 4 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of nominee.	Relationship with subscriber.	Age.	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

*NOTE.—Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

IV. When the subscriber has no family and wishes to nominate more than one person.

I, having no family as defined in rule 4 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees.	Relationship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	**Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**NOTE.—Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

The Second Schedule.

(*See* rule 35.)

FORMS OF ASSIGNMENT.

(1)

I, A.B , of hereby assign unto the Governor of Andhra Pradesh the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 39 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, I may hereafter become liable to pay to the Contributory Provident-Pension Fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of subscriber.

One witness to signature.

Station.

(2)

I, A.B., do hereby assign and transfer the benefit of the within policy and all moneys receivable thereunder or in respect thereof to myself and my wife, aged years *to hold* the same unto myself and the said or survivor as joint tenants and I declare that on the death of either, the receipt of the survivor shall be a sufficient discharge to the insurance company within named.

Dated this day of 19

Witnesses:

(1)

(2)

Signature of subscriber.

Station.

(3)

We, A.B. (the subscriber) of and (C.D. the joint assured) of in consideration of the Governor of Andhra Pradesh agreeing at our request to accept the withdrawal of the sum of Rs. yearly from the sum to the credit of the said A.B. in the Contributory Provident-Pension Fund for payment of the premium of the within policy of assurance hereby jointly and severally assign unto the said Governor of Andhra Pradesh the within policy of assurance as security for payment of all sums which under sub-rule (2) of Rule 39 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, the said A.B. may hereafter become liable to pay to that fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of subscriber and

Signature of the joint assured.

Witness to signature.

(1)

(4)

I. C.D., wife of A.B., and the assignee of the within policy having, at the request of A.B., the assured, agreed to release my interest in the policy in favour of A.B , in order that A.B may assign the policy to the Governor of Andhra Pradesh, who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by A.B. to the Contributory Provident-Pension Fund, hereby at the request and by the direction of A B , assign, and I, the said A B. assign and confirm unto the said Governor the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 39 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, the said A.B may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of the assignee and the subscriber

One witness to signature.

Station.

The Third Schedule.

(*See* rule 37.)

FORMS OF REASSIGNMENT AND ASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH

(1)

All sums which have become payable by the above named A.B , under sub-rule (2) of rule 39 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules 1950 having been paid and all liability for payment by him of any such sums in the future having ceased the Governor of Andhra Pradesh doth hereby reassign the within policy of assurance to the said $\frac{\text{A.B.}}{\text{A.B \& C.D.}}$

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer.)

YZ

(One witness who should add his designation and address.)

(2)

The abovenamed A.B. having died on the day of 19 , the Governor of Andhra Pradesh doth hereby assign the within policy of assurance to C.D.*

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer.)

YZ

(One witness who should add his designation and address.)

* Fill in particulars of person legally entitled to receive the policy.

The Fourth Schedule.

(*See* rule 38.)

FORM OF REASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH

The Governor of Andhra Pradesh doth hereby reassign the within policy to the said A.B. / A.B. & C.D.

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer.)

YZ

(One witness who should add his designation and address)

The Fifth Schedule.

(*See* rule 13.)

AUTHORITIES COMPETENT TO GRANT TEMPORARY ADVANCES.

1. An advance for the grant of which special reasons are not required under clause (*b*) or clause (*c*) of rule 13 may be sanctioned by the authority competent to grant leave to the subscriber.

2. An advance for the grant of which special reasons are required under clause (*b*) or clause (*c*) of rule 13 may be sanctioned by the authority competent to dismiss the subscriber or where the subscriber's services are lent by the authority who would be competent to dismiss the subscriber, if the subscriber were a substantive holder of the post held by him on loan.

In respect of any person who continues to serve in connection with the affairs of the State, but whose conditions of service are temporarily governed by the Rules of the Union Government and who is entitled to subscribe to the Fund, the authority competent to grant an advance for which special reasons are not required under clause (*b*) or (*c*) of the rule 13 shall be the head of the office and for the grant of an advance for which special reasons are required the authority shall be the head of the Department to which he is attached.

The Sixth Schedule.

(*See* rule 27.)

I, (here state name and designation and place) do hereby undertake that I will, on the maturity of Policy No. with the (here state the name of the insurance company), draw all moneys receivable thereunder in respect thereof to myself from the abovenamed insurance company and remit the said moneys to the credit of my Contributory Provident-Pension Fund, it being understood that I will be at liberty, if I so desire, to remit to my credit in the Fund only the minimum amount specified under Rule 27 of the Andhra Pradesh Contributory Provident-Fund-Pension-Insurance Rules, 1950 (or in case the insurance policy is financed from the Fund, the amount withdrawn from the Fund with interest thereon whichever is greater as provided for in rule 38) and retain the balance with me.

Dated this day of 19

Witnesses: Signature of subscriber.

(1)

(2)

APPENDIX 7.

CONTRIBUTORY PROVIDENT FUND RULES (ANDHRA PRADESH)

(Corrected upto 30th June 1959.)

In exercise of the powers conferred by rules, 41, 42 and 44 (*d*) of the Civil Services (Classification, Control and Appeal) Rules, and in supersession of all existing rules and orders relating to special or contributory provident funds maintained by Government for non-pensionable servants of Government belonging to any of the services (whether Provincial Specialist or Subordinate), under the control of the Government of Andhra Pradesh, the Governor in Council with the previous sanction of the Governor-General in Council under rule 11 of the Civil Services (Classification, Control and Appeal) Rules, hereby makes the following rules:—

Short Title and Definitions.

1. (1) These rules may be called the Contributory Provident Fund Rules (Andhra Pradesh).

(2) They shall come into force on the 1st October 1931.

2. (1) In these rules, unless there is anything repugnant in the subject or context—

(i) Account Officer means the Accountant-General, Andhra Pradesh.

(ii) Emoluments means pay, leave-salary, or subsistence grant, as defined in the Fundamental Rules, and includes—

(a) sterling overseas pay converted at such rate of exchange as the President may prescribe in this behalf;

(b) any wages paid by Government to employees not remunerated by fixed monthly pay; and

(c) any remuneration of the nature of pay received in respect of foreign service;

(iii) Family means—

(*a*) in the case of a male subscriber, the wife or wives and children of a subscriber, and the widow, or widows and children of a deceased son of the subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequenty indicates by express notification in writing to the Account Officer that she shall continue to be so regarded; and

(*b*) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notification in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

Explanation I.—' Children ' means legitimate children.

Explanation II—An adopted child shall be considered to be a child when the Account Officer, or if any doubt arises in the mind of the Account Officer, the Government Pleader, Andhra Pradesh, is satisfied that under the personal law of the subscriber, adoption is legally recognized as conferring the status of a natural child, but in this case only;

(iv) Government, Governor and State mean respectively " the Government, the Governor and the State of Andhra Pradesh ".

(v) Leave means any variety of leave recognized by the Fundamental Rules or the Civil Service Regulations, whichever may be applicable to the subscriber,

(vi) The Fund means the Contributory Provident Fund (Andhra Pradesh), and

(vii) Year means a financial year.

(2) Any other expression employed in these rules which is defined either in the Provident Funds Act, 1925 (XIX of 1925) or in the Fundamental Rules is used in the sense defined.

Constitution and Management of the Fund.

3. The Fund shall be administered by the Government of Andhra Pradesh, and shall be maintained in India in rupees.

4. (1) These rules shall apply to every non-pensionable servant of Government under the rule-making powers of the Governor, who—

(*a*) has been admitted before these rules came into force to the benefits of a special or contributory provident fund maintained by Government; or

(*b*) may be admitted by Government to the Fund after these rules come into force:

Provided that these rules shall not apply to any such servant between whom and Government an agreement subsists in respect of a provident fund, other than an agreement providing for the application to him of these rules, and in the case of an agreement so providing, shall apply subject to the terms of such agreement.

(2) Every servant of Government to whom these rules apply shall be a subscriber to the Fund.

(3) The balance at the credit of any servant of Government in any such Fund as is referred to in clause (*a*) of sub-rule (1) shall, with effect from the date on which these rules come into force, be transferred to his credit in the Fund.

(4) If a Government servant admitted to the benefit of the Fund was previously a subscriber to any contributory or non-contributory provident Fund of the *State Government* or to the Provident Fund established and maintained by a district board, the amount of his subscriptions and Government contributions in the other C.P.F. or the amount of his subscriptions in the non-C.P F. or the amount to his credit in the Provident Fund established and maintained by a district board, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund

(5) If a member of the Madras High Court Official Assignees' Establishment becomes a subscriber to the Fund on or after 1st April 1943, the amount standing to his credit on 31st March 1943 in the Official Assignee's Provident Fund shall be transferred to his credit in the Contributory Provident Fund.

(6) In the case of an officer or servant of a District Board, whose services are taken over by the Government in the Public Works Department and who elects to come under the Fund, the right to be admitted to the Fund shall subsist from the date of his entry into Government service and not from the date of such election

NOTE.—No pensioner, Civil or Military, continued in service or re-employed after the date from which his pension takes effect, shall be admitted to the fund, except with the previous concurrence of Government in the Finance Department.

(7) If a Government servant admitted to the benefit of the Fund was previously a subscriber to any other Government Contributory Provident Fund or non-Contributory Provident Fund, the amount of his subscriptions and the Government contribution in the Contributory Provident Fund or the amount of his subscriptions in the non-Contributory Provident Fund, as the case may be, together with interest thereon, shall be transferred to his credit in the Fund, with the consent of the other Government.

NOTE.—The provisions of sub-rules (4) and (7) shall not apply to a person who has retired and is subsequently re-employed, with or without a break in service, or to a person who was holding the former appointment on contract.

Nomination.

5. (1) A subscriber shall, as soon as may be after joining the Fund, send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family; and

Provided further that the nomination made by the subscriber in respect of any other provident Fund to which he was subscribing before joining the fund shall, if the amount to his credit in such other fund has been transferred to his credit in this fund, be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer·

Provided that the subscriber shall along with such notice send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination—

(a) in respect of any specified nominee that in the event of his predeceasing the subscriber the right conferred upon that nominee shall pass to such other person as may be specified in the nomination;

(*b*) that the nomination shall become invalid in the event of the happening of a contingency specified therein; provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (*b*) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Account Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this rule.

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Account Officer.

Subscribers' accounts.

6. An account shall be opened in the name of each subscriber, in which shall be credited—

(i) the subscriber's subscriptions;

(ii) contributions made under rule 10 by Government to his account;

(iii) interest, as provided by rule 11, on subscriptions; and

(iv) interest, as provided by rule 11, on contributions.

Conditions and rates of subscriptions.

7. (1) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service, but not during a period of suspension:

Provided that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum, or in instalments, any sums not exceeding the maximum amount of arrears of subscriptions permissible for that period.

(2) A subscriber may, at his option, not subscribe during leave.

(3) The subscriber shall intimate his election not to subscribe during leave in the following manner:—

(*a*) if he is an officer who draws his own pay bills by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave, and

(*b*) if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave.

Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The option of a subscriber intimated under this sub-rule shall be final.

(4) A subscriber who has under rule 24, withdrawn the amount of subscriptions and interest thereon, shall not subscribe to the Fund after such withdrawal, unless and until he returns to duty.

8. (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions:—

(a) It shall be expressed in whole rupees.

(*b*) It may be any sum, so expressed, not less than 6¼ per cent of his emoluments and not more than 15⅝ per cent of his emoluments.

NOTE.—(1) In the case of the members of the Operation Subordinate Service of the Electricity Department and the work-charged establishment of the Electrical Engineer (General) Division, the subscription towards the fund shall be 6¼ per cent of the emoluments.

NOTE.—(2) Rounding of subscription:—If 6¼ per cent. of emoluments represents a sum not expressible in whole rupees, the nearest sum in whole rupees shall be taken as the subscription, fifty naye paise being counted as the next higher rupee.

(2) For the purpose of sub-rule (1), the emoluments of a subscriber shall be—

(*a*) in the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date; provided as follows:—

(i) if the subscriber was on leave on the said date and has elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been titled had he been on duty in India; and

(iii) if the subscriber joined the Fund for first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date; and

(*b*) in the case of a subscriber who was not in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date:

Provided that, if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Government may direct.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(*a*) if he was on duty on the 31st March of the preceding year, by deduction which he makes in this behalf from his pay bill for that month;

(*b*) if he was on leave on the 31st March of the preceding year and has elected not to subscribe during such leave; or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(*c*) if he has entered Government service for the first time during the year, or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;

(*d*) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

(*e*) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year; and

(*f*) if his emoluments are of the nature referred to in the proviso to sub-rule (2), in such manner as Government may direct.

(4) The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of that month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

8-A. When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he had not been so transferred or sent on deputation.

Realization of subscriptions.

9. (1) When emoluments are drawn from a Government treasury in India (or from the Home or a Colonial treasury), recovery of subscriptions on account of these emoluments and of the principal and interest of advances shall be made from the emoluments themselves; except that, when emoluments other than sterling overseas pay are so drawn in India, deductions in respect of sterling overseas pay, when admissible shall be made in India.

(2) When emoluments are drawn from any other source the subscriber shall forward his dues monthly to the Account Officer.

Contribution by Government.

10. (1) Government shall make a contribution to the account of each subscriber:—

(*a*) with effect from the 31st March of each completed year, and

(*b*) in respect of the period from the 1st April of the year in which the subscriber quits the service or dies to the date on which he quits the service or dies:

Provided that no contribution shall be payable in respect of any period for which the subscriber is permitted under the rules not to, or does not, subscribe to the Fund.

(2) The contribution shall be such percentage of the subscriber's emoluments drawn on duty during the completed year or period, as the case be, as has been or may be prescribed by Government by general or special order.

Provided that, if the amount subscribed is less than the amount of subscription payable by the subscriber under sub-rule (1) of rule 8 and if the balance of the amount of subscription remaining unpaid together with the interest payable thereon is not paid by the subscriber within such time as may be fixed by the appropriate authority specified in paragraph 2 of the Fifth Schedule the amount of contribution shall be equal to the amount of subscription actually paid by the subscriber or to the amount payable by the Government under these rules whichever is less, unless the Government in any particular case, otherwise directs.

NOTE.—(1) In the case, of officers, who were subscribers to a special or Contributory Provident Fund immediately before the 1st October 1931, the rate at which contribution has hitherto been credited to their account will continue to be in force. In the case of officers admitted to the Fund on or after 1st October 1931, the amount of contribution shall be six and one-fourth per cent. of the subscribers' emoluments drawn on duty.

NOTE.—(2) Notwithstanding anything contained in sub-rule (2), in the case of a member of the work-charged establishment in the Operation Branch of the Electricity Department or in the Public Works Workshops, who has been included in the regular establishment, credit for what would have been due to him as gratuity under the Andhra Pradesh Retiring and Invalid Gratuities (Non-Pensionable Establishment) Rules 1941, or under rule 18 of the rules issued in G.O. No 430, P.W , dated 2nd March 1940, as subsequently amended in G.O. 2019, P.W., dated 26th July 1946, as the case may be, had he left service on the date of opening of his contributory Provident Fund Account should be given to the contribution side of such account on the date he joins the Contributory Provident Fund.

(3) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(4) Should a subscriber elect to subscribe during leave, his leave salary shall, for the purposes of this rule, be deemed to be emoluments drawn on duty.

(5) Should a subscriber elect to pay arrears of subscription in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement shall, for the purpose of this rule, be deemed to be emoluments drawn on duty.

(6) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by Government from the subscriber.

(7) The amount of contribution payable shall be rounded off to the nearest whole rupee (fifty naye paise counting as the next higher rupee).

Interest.

11. (1) Government shall pay to the credit of the account of a subscriber interest, at such rate as the President may from time to time prescribe for the payment of interest on subscriptions to the General Provident Fund for Central Services, on the amount at his credit in the Fund.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner:—

(i) on the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year—interest for twelve months;

(ii) on sums withdrawn during the current year—interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to the subscriber's account after the 31st March of the preceding year—interest from the date of deposit upto the 31st March of the current year;

(iv) the total amount of interest shall be rounded off to the nearest rupee, in the manner provided in sub-rule (6) of rule 10:

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of the subscriber became payable.

(3) For the purpose of this rule the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered; and in the case of amounts forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if they are received by the Account Officer before the fifth day of that month, or, if they are received on or after the fifth day of that month, the first day of the next succeeding month.

(4) In addition to any amount to be paid under rule 27, interest thereon up to the end of the month preceding that in which payment is made, or upto the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that no interest shall be paid in respect of any period after the date which the Account Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post.

(5) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the Account Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

(6) The interest on amounts which, under sub-rule (3) of rule 17, or sub-rule (4) of rule 19, or sub-rule (1) of rule 20, or sub-rule (1) or sub-rule (2) of rule 21 or rule 23, or rule 24 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.

Advances from the Fund.

12. A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Fifth Schedule subject to the following conditions:—

(*a*) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise:—

(i) to pay expenses incurred in connexion with the prolonged illness of the applicant or any person actually dependent on him;

NOTE.—An advance is permissible to meet the expenses on account of 'confinement' (1) in cases necessitating prolonged medical attention, prolonged stay in a hospital or protracted treatment and (2) in other circumstances involving expenditure disproportionate to the subscriber's income.

(ii) to pay for the overseas passage for reasons of health or education of the applicant or any person actually dependent on him;

(iii) to pay obligatory expenses on a scale appropriate to the applicant's status which by customary usage the applicant has to incur in connexion with marriages, funerals or other ceremonies of persons actually dependant on him :

Provided that the condition of actual dependence shall not apply in the case of son or daughter of the subscriber.

NOTE.—Advances under sub-clause (iii) are also permissible for meeting expenditure in connection with marriage and other ceremonies of the subscriber himself/herself.

(*b*) An advance shall not, except for special reasons, exceed three months pay and shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

(*c*) An advance shall not, except for special reasons, be granted until at least twelve months after the final repayment of all previous advances together with interest thereon, unless the amount already advanced does not exceed two-thirds of the amount admissible under clause (*b*).

(*d*) The sanctioning authority shall record in writing its reason for granting the advance:

Provided that if the reason is of a confidential nature it may be communicated to the Account Officer confidentially.

13. *Omitted.*

14. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct; but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option, make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner provided in rule 9 for the realization of subscriptions and shall commence on the first occasion after the advance is made on which the subscriber draws emoluments, other than leave salary or subsistence grant, for a full month. Recovery shall not be made, except with the subscriber's consent, while he is on leave or in receipt of subsistence grant, and may be postponed by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (*a*) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest, shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(*b*) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but if the period referred to in clause (*a*) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded off to the nearest rupee in the manner provided in sub-rule (7) of rule 10.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn, shall, with interest at the rate provided in rule 11, forthwith be repaid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as Government may direct.

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited, as they are made, to the account of the subscriber in the Fund.

Payments towards insurance policies and family pension funds.

15. Subject to the conditions contained in rules 16 to 22—

(*a*) (i) subscriptions to a family pension fund approved in this behalf by the Government of Andhra Pradesh.

(ii) payments towards an insurance policy may, at the option of a subscriber, be substituted for the whole or part of subscriptions to the Fund;

(*b*) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—

(i) payments towards an insurance policy;

(ii) purchase of a single payment insurance policy;

(iii) payment of a single premium or subscriptions to a family pension fund approved in this behalf by the Government of Andhra Pradesh.

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable, or (2) to meet any payment or purchase made or effected more than three months before the withdrawal; or (3) in excess of the amount required to meet a premium or subscription actually due for payment within three months of the date of withdrawal. The Account Officer shall, before accepting as suitable the details of the proposed policy, satisfy himself that the policy is taken out mainly for the benefit of the subscriber's family and shall refuse to accept a policy which does not fulfil this condition.

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment, or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation.

(*c*) Any amount withdrawn under clause (*b*) shall be paid in whole rupees only rounded to the nearest rupee in the manner provided in sub-rule (7) of rule 10.

15-A. (1) The number of policies in respect of which substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund may be permitted under rule 15, shall not exceed four:

Provided that where immediately before the 16th August 1954 substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund, is permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of these policies.

(2) The premium for a policy [including any policy referred to in the proviso to sub-rule (1)] in respect of which withdrawal of subscriptions from the Fund may be permitted under rule 15 shall not be payable otherwise than annually.

Explanation.—In computing the maximum number of policies specified in sub-rule (1) policies which have matured shall be excluded.

16. (1) If the total amount of any subscriptions or payments substituted under clause (*a*) of rule 15 is less than the amount of the minimum subscription payable to the Fund under rule 8, the difference shall be rounded off to the nearest rupee in the manner provided in sub-rule (7) of rule 10 and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (*b*) of rule 15, he shall, subject to his option under clause (*a*) of that rule, continue to pay to the Fund the subscription payable under rule 8.

17. (1) A subscriber who desires to substitute a subscription or payment under clause (*a*) of rule 15 may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

(*a*) intimate to the Account Officer on his pay bill or by letter the fact of, and reason for, the reduction;

(*b*) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (*a*) of rule 15.

(2) A subscriber who desires to withdraw any amount under clause (*b*) of rule 15 shall—

(*a*) intimate the reason for the withdrawal to the Account Officer by letter;

(*b*) make arrangements with the Account Officer for the withdrawal;

(*c*) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount withdrawn was duly applied for the purposes specified in clause (*b*) of rule 15.

(3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced or any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (*b*) of sub-rule (1) and clause (*a*) of sub-rule (2), with interest thereon at the rate provided in rule 11, from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

18. (1) The Government will not make any payments on behalf of subscribers to insurance companies nor take steps to keep a policy alive.

(2) It is immaterial what form the policy takes, provided that it shall be one effected by the subscriber himself on his own life and shall (unless it is a policy expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be legally assigned by the subscriber himself to the Governor.

Explanation 1.—A policy on the joint lives of the subscriber and his wife shall be deemed to be a policy on the life of the subscriber himself for the purpose of this sub-rule.

Explanation 2.—A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife of the subscriber or his wife and children or any of them.

19. (1) The policy within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer, if he is satisfied by the production of the completion certificate (interim receipt), may fix, shall—

(*a*) unless it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Governor, as security for the payment of any sum which may become payable to the Fund under rules 20 to 22, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the second schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and his wife, or the policy has previously been assigned to the subscriber's wife.

(*b*) If it is a policy expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the insurance company, where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund, the terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered, within the said period of six months or such further period as the Account Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 11, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or in default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise as may be directed by the Heads of Departments as defined in the Fundamental Rules.

(5) Notice of assignment of the policy shall be given by the subscriber to the insurance company and the acknowledgement of the notice by the insurance company shall be sent to the Account Officer within three months of the date of assignment.

NOTE 1.—On receipt of a policy reassigned by the Governor with reference to rule 26-A of the General Provident Fund (Andhra Pradesh) Rules, the subscribers shall again assign it to the Governor under these rules.

NOTE 2.—Subscribers are advised to send notice of the assignment to the insurance company in duplicate, accompanied, in cases in which the notice has to be sent to a Company in Great Britain or Ireland, by a remittance of five shillings, which is the fee for the acknowledgement authorized by the Policies of Assurance Act, 1867. The policy itself, bearing the assignment endorsed thereon, need not be sent to the company, as insurance companies do not ordinarily require the production of the original instruments affecting a policy-holder's title until the policy becomes a claim.

NOTE 3.—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law assignments or reassignments are required to be stamped within 30 days of their first arrival in those countries. Otherwise penalty will be incurred under the Stamp Act, and difficulties may arise when the policy matures for payment

19-A. The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the fund by the subscriber or in default recovered by deduction from his emoluments by instalments or otherwise as the Government may direct.

20. (1) Save as provided by sub-rule (3) of rule 22, when the subscriber—

(*a*) quits the service, or

(*b*) has proceeded on leave preparatory to retirement and applies to the Account Officer for re-assignment or return of the policy, or

(*c*) while on leave, has been permitted to retire or declared by a Medical Authority to be unfit for further service and applies to the Account Officer for reassignment or return of the policy, or

(*d*) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in sub-clause (ii) of clause (*a*) of rule 15 and sub-clauses (i) and (ii) of clause (*b*) of rule 15, with interest thereon at the rate provided in rule 11, the Account Officer shall—

(i) if the policy has been assigned to the Governor under rule 19, reassign the policy in the first Form set forth in the Third Schedule to the subscriber, or to the subscriber and the joint assured as the case may be, and make it over to the subscriber together with a signed notice of the reassignment addressed to the insurance company;

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 19, make over the policy to the subscriber:

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by a Medical Authority to be unfit for further service, returns to duty, any policy so reassigned or made over shall, if it has not matured

or been assigned or charged or encumbered in any way, be again assigned to the Governor and delivered to the Account Officer, or again be delivered to the Account Officer, as the case may be, in the manner provided in rule 19, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy.

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way the provisions of sub-rule (4) of rule 19, applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by sub-rule (3) of rule 22, when the subscriber dies before quitting the service, the Account Officer shall—

(i) if the policy has been assigned to the Governor under Second Schedule to rule 19, reassign the policy in the second form set forth in the Third Schedule to such person as may be legally entitled to receive it, and shall make over the policy to such person together with a signed notice of the reassignment addressed to the Insurance Company;

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 19, make over the policy to the beneficiary, if any, or if there is no beneficiary, to such person as may be legally entitled to receive it.

21. (1) If a policy assigned to the Governor under rule 19 matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and his wife, assigned under the said rule, falls due for payment by reason of the wife's death, the Account Officer shall, save as provided by sub-rule (3) of rule 22, proceed as follows:—

(i) if the amount assured together with the amount of any accrued bonuses is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, the Account Officer shall reassign the policy in the form set forth in the Fourth Schedule to the subscriber or to the subscriber and the joint assured as the case may be, and make it over to the subscriber, who shall pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in default, the provisions of rule 22-A shall apply as they apply in relation to cases where money withheld or withdrawn from the funds under clause (*a*) or clause (*b*) of rule 15 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

(ii) if the amount assured together with the amount of any accrued bonuses is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realize the amount assured together with any accrued bonuses and shall place the amount so realized to the credit of the subscriber in the Fund.

(2) Save as provided by sub-rule (3) of rule 22, if a policy delivered to the Account Officer under clause (*b*) of sub-rule (1) of rule 19 matures before the subscriber quits the service the Account Officer shall make over the policy to the subscriber.

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them as expressed on the face of the policy, expires when the policy matures, the subscriber, if the

policy moneys are paid to him by the Insurance Company, shall immediately on receipt thereof pay or repay to the Fund either—

(i) the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 11, or

(ii) an amount equal to the amount assured together with any accrued bonuses, whichever is less, and, in default, the provisions of rule 22-A shall apply as they apply in relation to cases where money withheld or withdrawn from the funds under clause (*a*) or clause (*b*) of rule 15 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

22. (1) If the interest of the subscriber in the family pension fund ceases in whole or part from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund, if any, secured by the subscriber from the family pension fund which amount shall, in default of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise, as Government may direct.

(2) If the policy lapses or becomes assigned otherwise than to the Governor under rule 19, charged or encumbered, the provisions of sub-rule (4) of rule 19 applicable to a failure to assign and deliver a policy shall apply.

(3) If the Account Officer receives notice of—

(*a*) an assignment (other than an assignment to the Governor under rule 19), or

(*b*) a charge or encumbrance on, or

(*c*) an order of a Court restraining dealings with the policy or any amount realized thereon, the Account Officer shall not—

(i) reassign or make over the policy as provided in rule 20, or

(ii) realize the amount assured by the policy, or reassign, or make over the policy, as provided in rule 21, but shall forthwith refer the matter to the Government.

22-A. Notwithstanding anything contained in these rules, if the sanctioning authority is satisfied that money drawn as an advance from the Fund under rule 12 or withheld or withdrawn from the Fund under clause (*a*) or clause (*b*) of rule 15 has been utilized for a purpose other than that for which the drawal, withholding or withdrawal of the money was sanctioned, the amount in question, shall, with interest at the rate provided in rule 11, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.

NOTE.—The term 'emoluments' as used in this rule does not include subsistence grant.

Circumstances in which accumulations are payable.

23. When a subscriber quits the service, the amount standing to his credit in the Fund shall, subject to any deduction under rule 26, become payable to him:

Provided that where a subscriber is dismissed, removed, discharged or compulsorily retired from service, the amount standing to his credit in the Fund shall not be paid to him—

(*a*) if he has preferred an appeal against such dismissal, removal, discharge, or compulsory retirement until the appeal is disposed of or unless he states in writing that he has withdrawn the appeal, and

(*b*) if he has not preferred such an appeal, until the time allowed for preferring an appeal has expired or unless he states in writing that he will not prefer an appeal:

Provided further that a subscriber, who has been dismissed removed or discharged from service or compulsorily retired from the service as a disciplinary measure and is subsequently reinstated in the service, shall, if required to do so by Government, repay any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in rule 11 in the manner provided in the proviso to rule 24. The amount so repaid shall be credited to his account in the Fund, the part which represents his subscriptions and interest thereon, and the part which represents the Government contribution with interest thereon being accounted for in the manner provided in rule 6.

Explanation:—A subscriber, other than one who is appointed on contract or one who has retired and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service when he is transferred without any break in service to a new post under another State or the Central Government (or in another department of the State Government in which he is governed by another set of Provident Fund Rules), and without retaining any connection with his former post. In such a case, his subscriptions and the Government contribution, together with the interest thereon, shall be transferred—

(*a*) to his account in the other Fund in accordance with the rules of that Fund, if the new post is in another department of the State Government, or

(*b*) to a new account under the State Government concerned or the Central Government, if the new post is under another State or the Central Government and the State or/the Central Government as the case may be, consents, by general or special order, to such transfer of his subscriptions, the Government contribution, and interest.

24. When a subscriber—

(*a*) has proceeded on leave preparatory to retirement, or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or

(*b*) while on leave, has been permitted to retire or declared by a Medical Authority to be unfit for further service the amount of subscriptions and interest thereon standing to his credit in the Fund shall,

upon application made by him in that behalf to the Account Officer, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall, if required to do so by Government, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule, with interest thereon at the rate provided in rule 11 in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as Government may direct.

25. Subject to any deduction under rule 26, on the death of a subscriber before the amount standing to his credit has become payable, or where such amount has become payable, before payment has been made;

(i) when the subscriber leaves a family—

(*a*) if a nomination made by the subscriber in accordance with the provisions of rule 5 in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination;

(*b*) if no such nomination in favour of a member or members of the family of the subscriber subsist, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(1) sons who have attained legal majority;

(2) sons of a deceased son who have attained legal majority;

(3) married daughters whose husbands are alive;

(4) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

NOTE.—Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of section 53 of the Provident Funds Act, 1925.

(ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 5 in favour of any person or persons subsists, the amount standing to his credit in the

Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

NOTE 1.—When a nominee is a dependent of the subscriber as defined in clause (e) of section 2 of the Provident Funds Act, 1925, the amount vests in such nominee under sub-section (2) of section 3 of that Act.

NOTE 2.—When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 5 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund the relevant provisions of clause (b) and of sub-clause (ii) of clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

Deductions.

26. Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by Government with interest thereon credited under rules 10 and 11, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, Government may direct the deduction therefrom and payment to Government of—

(a) any amount, if a subscriber has been dismissed, removed or discharged from service as a disciplinary measure,

Provided that, if the order of dismissal, removal or discharge is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Fund;

(b) any amount, if a subscriber resigns his employment under Government within five years of the commencement thereof, otherwise than by reason of superannuation or a declaration by a Medical Authority that he is unfit for further service;

(c) any amount due under a liability incurred by the subscriber to Government or to any local body under which he was employed during his service.

Where any amount is deducted under clause (c) in respect of liability incurred by a subscriber to a local body, the Government shall make over such amount to the local body.

Payment.

27. (1) When the amount standing to the credit of a subscriber in the Fund, or the balance thereof after any deduction under rule 26, becomes payable, it shall be the duty of the Account Officer, after satisfying himself, when no such deduction has been directed under that rule, that no deduction is to be made to make payment as provided in section 4 of the Provident Funds Act, 1925.

(2) If the person to whom, under these rules, any amount or policy is to be paid, assigned, reassigned or delivered is a lunatic for whose estate a manager has been appointed in this behalf under the

Indian Lunacy Act, 1912, the payment or reassignment or delivery will be made to such manager, and not to the lunatic.

(3) Any person who desires to claim payment under this rule shall send a written application in that behalf to the Account Officer. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

NOTE —When the amount standing to the credit of a subscriber has become payable under rule 23, 24 or 25, the Account Officer shall authorize prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being adjusted as soon thereafter as may be.

Pensionable service.

28 (1) If a subscriber is permanently transferred to pensionable service under the Government of Andhra Pradesh, he shall, at his option, be entitled—

(*a*) to continue to subscribe to the Fund, in which case he shall not be entitled to any pension; or

(*b*) to earn pension in respect of such pensionable service, in which case, with effect from the date of his permanent transfer—

(i) he shall cease to subscribe to the Fund;

(ii) the amount of contributions by Government with interest thereon standing to his credit in the Fund shall be repaid to Government;

(iii) the amount of subscriptions together with interest thereon standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund, to which thereafter he shall or may subscribe in accordance with the rules of that Fund relative to compulsory or optional subscription, respectively; and

(iv) he shall be entitled to count towards pension such part of the period during which he subscribed to the Fund as Government may determine.

(2) A subscriber shall communicate his option under sub-rule (1) by letter to the Account Officer within three months of the date of the order transferring him permanently to pensionable service; and, if the communication is not received in the office of the Account Officer within that period, the subscriber shall be deemed to have exercised his option in the manner referred to in clause (*a*) of that sub-rule.

Procedure.

29 All sums paid into the Fund under these rules shall be credited in the books of the Government to an account named "The Contributory Provident Fund (Andhra Pradesh) Account". Sums of which payment has not been taken within six months after they become payable under

these rules shall be transferred to "Deposits" after the 31st March of the year and treated under the ordinary rules relating to deposits.

30. When paying a subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

31. (1) As soon as possible after the 31st March of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the year, the total amount of interest credited as on the 31st March of the year and the closing balance on that date The Account Officer shall attach to the statement of account an enquiry whether the subscriber—

(*a*) desires to make any alteration in any nomination made under rule 5;

(*b*) has acquired a family [in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 5].

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Account Officer within three months from the date of receipt of the statement.

(3) The Account Officer shall, if required by a subscriber once, but not more than once, in a year, inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

FORMS

First Schedule.

[*See* Rule 5 (3).]

FORMS OF NOMINATION

I. When the subscriber has a family and wishes to nominate one member thereof

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the Contributory Provident Fund Rules (Andhra Pradesh) to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of nominee.	Relationship with subscriber.	Age.	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber

Two witnesses to signature—

(1)

(2)

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the Contributory Provident Fund Rules (Andhra Pradesh) to receive the amount that may stand to my credit in the Fund, in the event of my death before the amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.—

Names and address of nominees.	Relationship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

III. When the subscriber has no family and wishes to nominate one person.

I having no family as defined in rule 2 of the Contributory Provident Fund Rules (Andhra Pradesh), hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of nominee.	Relationship with subscriber.	Age.	*Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

*NOTE.—Where a subscriber who has no family makes a nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring family.

IV. When the subscriber has no family and wishes to nominate more than one person.

I having no family as defined in rule 2 of the Contributory Provident Fund Rules (Andhra Pradesh), hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominees.	Relationship with subscriber.	Age.	*Amount or share of accumulations to be paid to each.	**Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature:—

(1)

(2)

*NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**NOTE.—Where a subscriber who has no family makes nomination he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

Second Schedule.

[*See* rule (19).]

FORMS OF ASSIGNMENT

(1)

I A.B , of hereby assign unto the Governor of Andhra Pradesh, the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 22 of the Contributory Provident Fund Rules (Andhra Pradesh), I may hereafter become liable to pay to the Contributory Provident Fund (Andhra Pradesh).

I hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of subscriber.

Station.

One witness to signature.

(2)

We, A.B. (the subscriber) of and C.D (the joint assured) of in consideration of the Governor of Andhra Pradesh agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said A.B. to the Contributory Provident Fund (Andhra Pradesh), [or, as the case may be, to accept the withdrawal of the sum of Rs. from the sum to the credit of the said A B. in the Contributory Provident Fund (Andhra Pradesh) for payment of the premium of the within policy of assurance], hereby jointly and severally assign unto the said Governor the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 22 of the rules of the said Fund the said A B. may hereafter become liable to pay to that Fund

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of subscriber and the joint assured.

Station.

One witness to signature

NOTE.—The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins.

(3)

I, C.D., wife of A.B., and the assignee of the within policy having, at the request of A.B., the assured, agreed to release my interest in the policy in favour of A.B., in order that A.B., may assign the policy to the Governor of Andhra Pradesh, who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by A.B., to the Contributory Provident Fund (Andhra Pradesh), hereby at the request and by the direction of A.B., assign, and I, the said A.B., assign and confirm unto the said Governor the within policy of assurance as security for payment of all sums which under sub-rule (2) of rule 22 of the rules of the said Fund the said A.B., may hereafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of the assignee and the subscriber.

Station.

One witness to signature.

Third Schedule.

[*See* Rule (20)]

FORMS OF REASSIGNMENT AND ASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH

(1)

All sums which have become payable by the abovenamed A B., under sub-rule (2) of rule 22 of the Contributory Provident Fund Rules (Andhra Pradesh) having been paid and all liability for payment by him of any such sums in the future having ceased the Governor of Andhra Pradesh doth hereby reassign the within policy of assurance to the said $\frac{\text{A.B.}}{\text{A.B. \& C.D.}}$

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer).

YZ

(One witness who should add his designation and address).

(2)

The above named A.B. having died on the day of 19 , the Governor of Andhra Pradesh doth hereby assign the within policy of assurance to C.D.*

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer).

YZ

(One witness who should add his designation and address.)

* Fill in particulars of person legally entitled to receive the policy.

Fourth Schedule.

[*See* Rule (21.)]

FORM OF REASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH.

The Governor of Andhra Pradesh doth hereby reassign the within policy to the said $\frac{\text{A.B}}{\text{A.B. \& C D.}}$

Dated this day of 19 .

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } XY (Signature of the Account Officer).

YZ

(One witness who should add his designation and address.)

Fifth Schedule.

[*See* Rule (12.)]

AUTHORITIES COMPETENT TO GRANT TRMPORARY ADVANCES.

1. An advance for the grant of which special reasons are not required under clause (*b*) or clause (*c*) of rule 12 may be sanctioned by the authority competent to grant leave to the subscriber.

2. An advance for the grant of which special reasons are required under clause (*b*) or clause (*c*) of rule 12 may be sanctioned by the authority competent to dismiss the subscriber.

APPENDIX 8.

THE GENERAL PROVIDENT FUND (ANDHRA PRADESH) RULES

(As corrected up to 30th June 1959)

In exercise of the powers conferred by rule 41, rule 42 and clause (*d*) of rule 44 of the Civil Services (Classification, Control and Appeal) Rules, and of the powers in respect of personnel serving under the control of the Government of Andhra Pradesh who have been excluded from the scope of the said Rules, and in supersession, subject to any express saving provisions contained in the rules made herewith, of the existing rules regulating the General Provident Fund in their application to persons subject to the rule-making powers or control of the Government of Andhra Pradesh, the State Government are hereby pleased to make the following rules, the same having received the previous sanction of the Secretary of State in Council in pursuance of clause (i) of sub-rule (1) of rule 9, and of the Governor-General in Council under rule 11 of the said Civil Services (Classification, Control and Appeal) Rules, namely:—

RULES.

Short Title, Commencement and Definitions.

1. (*a*) These rules may be called the General Provident Fund (Andhra Pradesh) Rules.

(*b*) They shall come into force on the 1st April 1935.

2. (1) In these rules unless there is anything repugnant in the subject or context—

(*a*) '*Account Officer*' means the Accountant-General, Andhra Pradesh.

(*b*) Except where otherwise expressly provided, '*emoluments*' means pay, leave salary or subsistence grant as defined in the Fundamental Rules, and includes sterling overseas pay converted at such rate of exchange as the Secretary of State, may prescribe in this behalf and any remuneration of the nature of pay received in respect of foreign service.

(*c*) '*Family*' means—

(i) in the case of a male subscriber, the wife or wives and children of the subscriber, and the widow, or widows, and children of a deceased son of the subscriber: provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notice in writing to the Account Officer that she shall continue to be so regarded; and

(ii) in the case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of a deceased son of a subscriber:

Provided that if a subscriber by notice in writing to the Account Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notice excluding him.

NOTE I.—" Children " means legitimate children.

NOTE II.—An adopted child shall be considered to be a child when the Account Officer or if any doubt arises in the mind of the Account Officer, the Government Pleader, Andhra Pradesh, is satisfied that under the personal law of the subscriber, adoption is legally recognized as conferring the status of a natural child, but in this case only.

NOTE III.—A child of one person given in adoption to another shall not be considered to be the child of the former, if the Account Officer or if any doubt arises in the mind of the Account Officer, the Government Pleader, Andhra Pradesh, is satisfied that under the personal law of the persons concerned such adoption is legally recognized and in that case only.

(*d*) '*Fund*' means the General Provident Fund.

(*e*) '*Government, Governor and State*' mean respectively the Government, the Governor and the State of Andhra Pradesh.

(*f*) '*Leave*' means any variety of leave recognized by the leave rules applicable to the Government servant concerned.

(*g*) '*Year*' means a financial year.

(2) Any other expression used in these rules which is defined either in the Provident Funds Act *(XIX of 1925) or in the Fundamental Rules is used in the sense therein defined.

(3) Nothing in these rules shall be deemed to have the effect of terminating the existence of the General Provident Fund as existing before the coming into force of these rules or of constituting any new Fund.

Constitution of the Fund.

3. The Fund shall be maintained in India in rupees.

4. (1) Subject to the provisions of sub-rules (3) and (4), the following classes of Government servants shall be eligible to join the Fund if their service is classed as " superior " within the meaning of the rules regulating such service and they are under the rule-making powers of the Governor:

Provided that the service of Government servants which is treated as last grade at one stage or grade and superior at another stage or grade with reference to subsidiary definition (iii) under Fundamental Rule 9 shall, for the purpose of this sub-rule, be classed as 'superior', irrespective of the pay drawn by them—

(*a*) All full members of any service, whether pensionable or non-pensionable.

(*b*) All probationers in any service who will be made full members of the service on due completion of their period of probation.

**See* Appendix A.

(*c*) All probationers and approved probationers in any service who hold posts in the service in an officiating or temporary capacity, provided that they have been employed or in the opinion of the head of their office, are likely to be employed, for at least three years.

(2) All copyists and examiners employed in the Revenue Department in receipt of a fixed pay of Rs. 15 or more and all copyists in the Judicial Department will also be eligible to join the Fund, provided that they have been employed or, in the opinion of the head of their office, are likely to be employed for at least three years. The amount of subscription under rule 10 shall be determined with reference to the fixed pay of the copyists and examiners and the bonus earned by them shall not be taken into account for this purpose. The minimum subscription to the Fund shall be Re 1.

(2-A) All members of the work-charged establishment of the Electricity department will also be eligible to join the Fund, provided that they have been employed or, in the opinion of the head of their office, are likely to be employed for at least three years. The amount of subscription under rule 10 shall be determined with reference to their pay, any bonus or overtime allowance drawn by them not being taken into account for this purpose. The minimum subscription to the Fund shall be Re. 1.

(2-B). All members of the last grade service who have been made permanent will also be eligible to join the Fund. The minimum subscription to the Fund shall be Re 1.

(3) No Government servant who has been required or permitted to subscribe to a contributory provident fund shall be eligible to join or continue as a subscriber to the Fund, while he retains his right to subscribe to such a fund.

(4) Any Government servant not qualified for membership under this rule who has been duly admitted to membership under rules* or orders heretofore in force shall continue to be a member and shall be governed by any special provisions relating to obligation for and rates of, subscription from time to time contained in those rules or orders so long as he continues to remain under the rule-making powers of the Governor.

(5) In the case of an officer or servant of a district board whose services are taken over by the Government in the Public Works Department and who elects to come under the Fund, the right to be admitted to the Fund shall subsist from the date of his entry into Government service and not from the date of such election.

(6) The Law Officers in the City of Hyderabad, namely, the Advocate-General, the Government Pleader, the Public Prosecutor and the State Prosecutor.

5. (1) All eligible Europeans and Anglo-Indians † who entered the service of the Government on or after the 1st August 1909 and who

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**See* Appendix B.

†This term means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India as defined by section 6 of the Government of India Act, 1870—G.O. No. 207, Finance, (Pension), dated 7th March 1936.

are full members of a service shall, on attaining a substantive pay of Rs 100 * a month join the Fund.

(2) All other eligible Government servants may elect to join the Fund.

6 (1) A Government servant who exercises the option allowed by sub-rule (2) of rule 5 may discontinue subscribing to the Fund at any time, but his right of renewing subscription shall lapse if he discontinues subscribing, except when on leave more than three times.

(2) If a subscriber is reduced to the position of a last grade servant, he shall cease to subscribe to the Fund until he is reinstated in superior service.

(3) If a Government servant's right to resume subscription lapses under sub-rule (1) or if he ceases to subscribe under sub-rule (2), he shall nevertheless retain his other rights and liabilities as a subscriber to the Fund; and no final withdrawal of his deposits shall be allowed except on the happening of one or other of the contingencies provided for in rules 28, 29 and 30.

Nominations.

7. (1) A subscriber shall , as soon as may be after joining the Fund, send to the Account Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

Provided further that nomination made by the subscriber in respect of any other provident Fund to which he was subscribing before joining the Fund shall, if the amount to his credit in such other Fund has been transferred to his credit in the Fund be deemed to be a nomination duly made under this rule until he makes a nomination in accordance with this rule.

(2) If a subscriber nominates more than one person under sub-rule (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in such one of the forms set forth in the First Schedule as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Account Officer:

Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of this rule.

(5) A subscriber may provide in a nomination—

(*a*) in respect of any specified nominee, that in the event of his pre-deceasing the subscriber, the right conferred upon that nominee shall, pass to such other person as may be specified in the nomination;

*Executive authorities should inform the Account Officer as soon as any Government Servant becomes liable to subscribe.

(*b*) that the nomination shall become invalid in the event of the happening of a contingency specified therein provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-rule (5) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (*b*) of sub-rule (5) or the proviso thereto, the subscriber shall send to the Account Officer a notice in writing cancelling the nomination, together with a fresh nomination made in acccordance with the provisions of this rule

(7) Every nomination made, and every notice of cancellation given, by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Account Officer.

Subscriber's Accounts.

8. An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon calculated as provided in sub-rule (2) of rule 13.

Conditions and Rates of Subscriptions.

9. (1) Save as provided in rule 6, a subscriber shall subscribe monthly to the Fund except during a period of suspension:

Provided that a subscriber may, at his option, elect not to subscribe during leave:

Provided further that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum, or in instalments, any sum not exceeding the maximum amount of arrear subscriptions permissible for that period.

(2) The subscriber shall intimate his election not to subscribe during leave in the following manner:—

(*a*) If he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;

(*b*) if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute an election to subscribe.

The election made or deemed to be made by a subscriber under this sub-rule shall be final.

(3) A subscriber who has, under rule 29, withdrawn the amount standing to his credit in the Fund shall not subscribe to the Fund after such withdrawal unless and until he returns to duty.

10. (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions:—

(*a*) It shall be expressed in whole rupees.

(*b*) It may be any sum, so expressed, not less than 6¼ per cent of his emoluments and not more than 15⅝ per cent

NOTE.—*Rounding of minimum percentage.*—If 6¼ per cent of emoluments represents a sum not expressible in whole rupees the nearest sum in whole rupees below that amount shall be taken as the minimum limit of subscription.

(2) For the purposes of sub-rule (1), the emoluments of a subscriber shall be—

(*a*) In the case of a subscriber who was in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date: provided as follows:—

(i) If the subscriber was on leave on the said date and has elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;

(ii) If the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India or had he not been on leave;

(iii) If the subscriber joined the Fund for the first time under the operation of rule 5 on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date.

(*b*) In the case of a subscriber who was not in Government service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service, or if he joined the Fund for the first time under the operation of rule 5 on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

(*a*) if he was on duty on the 31st March of the preceding year by the deduction which he makes in this behalf from his pay bill for that month;

(*b*) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;

(*c*) if during the year, he has entered Government service for the first time, or is compulsorily required to join the Fund from a particular date under sub-rule (1) of rule 5, or joins the Fund for the first time, by the deduction which he makes in this behalf, from his pay bill for the month during which he joins the Fund;

(*d*) if he was on leave on the 31st March of the preceding year, and continues to be on leave and has elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;

(*e*) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the treasury on account of subscription for the month of April in the current year.

(4) The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that the amount of subscription may be enhanced once at any time during the course of a year.

Provided further that if a subscriber is on duty for a part of a month and on leave for the remainder of that month and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

11. When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation.

Realization of Subscriptions.

12. (1) When emoluments are drawn from a Government treasury in India or from the Home or a Colonial treasury, recovery of subscriptions on account of these emoluments, and of the principal and interest of advances shall be made from the emoluments themselves; except that, when emoluments other than sterling overseas pay are so drawn in India, deductions in respect of sterling overseas pay, when admissible shall be made in India.

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Account Officer.

(3) If a Government servant fails to subscribe with effect from the date on which he is required to join the Fund under sub-rule (1) of rule 5, the total amount due to the Fund on account of arrears of subscription shall with interest thereon at the rate provided in rule 13, forthwith be paid by the subscriber to the Fund, or in case of default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under clause (*c*) of sub-rule (1) of rule 14.

Interest.

13. (1) Subject to the provisions of sub-rule (5), Government shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year according to the method of calculation prescribed from time to time by the Government of India for the payment of interest on subscriptions to the General Provident Fund in respect of central services:

Provided that, if the rate of interest determined for a year is less than 4 per cent, all existing subscribers to the Fund in the year preceding that for which the rate has for the first time been fixed at less than 4 per cent shall be allowed interest at 4 per cent.

Provided further that a subscriber who was previously subscribing to any other Provident Fund of the Central Government and whose subscriptions, together with interest thereon, have been and whose subscriptions, together with interest thereon, have been transferred to his credit in this Fund under rule 32, shall also be allowed interest at 4 per cent, if he had been receiving that rate of interest under the rules of such other Fund under a provision similar to that of the first proviso to this rule

(2) Interest shall be credited with effect from the last day in each year in the following manner:—

(i) on the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year—interest for twelve months,

(ii) on sums withdrawn during the current year—interest from the beginning of the current year up to the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to the subscriber's account after the last day of the preceding year—interest from the date of deposit up to the end of the current year;

(iv) the total amount of interest shall be rounded to the nearest whole rupee (fifty naye paise counting as the next higher rupee):

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, up to the date on which the amount standing at the credit of the subscriber became payable

(3) In this rule, the date of deposit shall, in the case of a recovery from emoluments, be deemed to be the first day of the month in which it is recovered and in the case of an amount forwarded by the subscriber, shall be deemed to be the first day of the month of receipt, if it is received by the Account Officer before the fifth day of that month but if it is received on or after the fifth day of that month the first day of the next succeeding month.

(4) In addition to any amount to be paid under rules 28, 29 or 30, interest thereon up to the end of the month preceding that in which the payment is made: or up to the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid:

Provided that where the Account Officer has intimated to that person (or his agent) a date on which he is prepared to make payment in cash, or has posted a cheque in payment to that person, interest shall be payable only up to the end of the month preceding the date so intimated, or the date of posting the cheque, as the case may be.

NOTE.—If a subscriber holding a post in an officiating or temporary capacity exercises on the termination of his post the option allowed by rule 28 of leaving in the Fund the amount accumulated to his credit interest shall be allowed on that amount for not more than a year after the termination of employment. If the subscriber subsequently obtains re-employment under Government deposits not withdrawn will commence again to bear interest from the date on which subscriptions are renewed.

(5) Interest shall not be credited to the account of a Muslim subscriber if he informs the Account Officer that he does not wish to receive it; but if he subsequently asks for interest, it shall be credited with effect from the first day of the year in which he asks for it, or if he had joined the Fund during the year from the date of his joining the Fund.

(6) The interest on amounts which under sub-rule (3) of rule 12, sub-rule (5) of rule 15, sub-rule (3) of rule 18, sub-rule (4) of rule 20, sub-rule (1) of rule 22, sub-rule (1) or (2) of rule 23, rule 28 or rule 29 are replaced at the credit of the subscriber in the Fund, shall be calculated at such rates, as may be successively prescribed under sub-rule (1) of this rule and so far as may be in the manner described in this rule.

Advances from the Fund.

14. (1) A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the appropriate authority specified in the Fifth Schedule subject to the following conditions:—

(*a*) No advance shall be granted unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it, and that it will be expended on the following object or objects and not otherwise:—

(i) to pay expenses incurred in connexion with the prolonged illness of the applicant or any person actually dependant on him;

NOTE.—An advance is permissible to meet the expenses on account of confinement (1) in cases necessitating prolonged medical attention, prolonged stay in a hospital or protracted treatment; and (2) in other circumstances involving expenditure disproportionate to the subcriber's income.

(ii) to pay for the overseas passage for reasons of health or education of the applicant or any person actually dependant on him;

(iii) to pay obligatory expenses on a scale appropriate to the applicant's status which by customary usage the applicant has to incur in connection with marriages, funerals or other ceremonies of persons actually dependant on him.

(*b*) The sanctioning authority shall record in writing its reason for granting the advance.

(*c*) An advance shall not except for special reasons,—

(i) exceed three months pay or half the amount at the credit of the subscriber in the Fund, whichever is less, or

(ii) unless the amount already advanced does not exceed two-thirds of the amount admissible under sub-clause (i), be granted until at least twelve months after the final repayment of all previous advances together with interest thereon:

Provided that if the reason is of a confidential nature it may be communicated to the Account Officer confidentially.

(2) In fixing the amount of an advance, the sanctioning authority shall pay due regard to the amount at the credit of the subscriber in the Fund.

15. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct, but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his option, repay two or more instalments in a month. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in rule 12 for the realization of subscriptions, and shall commence on the first occasion after the advance is made on which the subscriber draws pay, or remuneration on foreign service, for a full month. Recovery shall not be made, except with the subscriber's consent while he is on leave or in receipt of subsistence grant and may be postponed, on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery.

(4) (*a*) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay into the Fund any additional instalments on account of interest on advances granted to them from the Fund.

(*b*) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (*a*) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded to the nearest rupee in the manner provided in clause (iv) of sub-rule (2) of rule 13.

(5) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before re-payment is completed, the whole or balance of the amount withdrawn, shall with interest at the rate provided in rule 13, forthwith be re-paid by the subscriber to the Fund, or in default, be ordered by the Account Officer to be recovered by deductions from the emoluments of the subscriber by instalments or otherwise, as Government may direct:

Provided that Muhammadan subscribers whose deposits in the Fund carry no interest shall not be required to pay any interest.

(6) Recoveries made under this rule shall be credited as they are made to the subscriber's account in the Fund.

Payments towards Insurance Policies and Family Pension Funds.

16. * Subject to the conditions hereinafter contained in rules 17 to 26—

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* *See* Appendix D.

(*a*) (i) subscriptions to a family pension fund approved* in this behalf by Government; or

(ii) payments towards a policy of life insurance may, at the option of a subscriber, be substituted in whole or part for subscriptions due to the Fund,

(*b*) the amount of subscriptions with interest thereon standing to the credit of a subscriber in the Fund may be withdrawn to meet—

(i) a payment towards a policy of life insurance;

(ii) the purchase of a single payment life insurance policy;

(iii) the payment of a single premium or subscriptions to a family pension fund approved * in this behalf by Government:

Provided that no amount shall be withdrawn (1) before the details of the proposed policy have been submitted to the Account Officer and accepted by him as suitable; or (2) to meet any payment or purchase made or effected more than three months before the withdrawal ; or (3) in excess of the amount required to meet a premium or subscription actually due for payment within three months of the date of withdrawal.

The Account Officer shall, before accepting as suitable the details of the proposed policy, satisfy himself that the policy is taken out mainly for the benefit of the subscriber's family and shall refuse to accept a policy which does not fulfil this condition:

Provided further that payments towards an educational endowment policy may not be substituted for subscriptions to the Fund and that no amounts may be withdrawn to meet any payment or purchase in respect of such a policy if that policy is due for payment in whole or part before the subscriber's age of normal superannuation:

Provided further that amounts withdrawn shall be rounded to the nearest whole rupee.

16-A. (1) The number of policies in respect of which substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund may be permitted under rule 16, shall not exceed four:

Provided that where immediately before the 16th August 1954 substitution for subscriptions due to the Fund or withdrawal of subscriptions from the Fund, is permitted in respect of more than four policies, such substitution or withdrawal shall continue to be permitted in respect of those policies.

(2) The premium for a policy (including any policy referred to in the proviso to sub-rule (1) in respect of which withdrawal of subscriptions from the Fund may be permitted under rule 16) shall not be payable otherwise than annually.

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*The following funds have been approved by the Government of Andhra Pradesh:—

1. Superior Services (India) Family Pension Fund.
2. Bengal Uncovenanted Service Family Pension Fund.
3. Bombay Government Service Family Pension Fund.
4. Bengal and Madras Service Family Pension Fund.
5. General Family Pension Fund.
6. Hindu Family Annuity Fund.
7. Bengal Christian Family Pension Fund.

Explanation.—In computing the maximum number of policies specified in sub-rule (1), policies which have matured shall be excluded.

17. (1) If the total amount of any subscriptions or payments substituted under clause (*a*) of rule 16 is less than the amount of the minimum subscription payable to the Fund under sub-rule (1) of rule 10, the difference shall be rounded to the nearest rupee in the manner provided in clause (iv) of sub-rule (2) of rule 13 and paid by the subscriber as a subscription to the Fund.

(2) If the subscriber withdraws any amount standing to his credit in the Fund for any of the purposes specified in clause (*b*) of rule 16, he shall, subject to his option under clause (*a*) of that rule, continue to pay to the Fund the subscription payable under rule 10:

Provided that no subscription shall be payable by a Government servant who in exercise of the option allowed by rule 6 (1) has ceased to subscribe to the Fund.

18. (1) A subscriber who desires to substitute a subscription or payment under clause (*a*) of rule 16, may reduce his subscription to the Fund accordingly:

Provided that the subscriber shall—

(*a*) intimate to the Account Officer on his pay bill or by letter the fact of, and reason for, the reduction; and

(*b*) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount by which the subscription has been reduced was duly applied for the purposes specified in clause (*a*) of rule 16.

(2) A subscriber who desires to withdraw any amount under clause (*b*) of rule 16 shall—

(*a*) intimate the reason for the withdrawal to the Account Officer by letter;

(*b*) make arrangements with the Account Officer for the withdrawal; and

(*c*) send to the Account Officer, within such period as the Account Officer may require, receipts or certified copies of receipts in order to satisfy the Account Officer that the amount withdrawn was duly applied for the purposes specified in clause (*b*) of rule 16.

(3) The Account Officer shall order the recovery of any amount by which subscriptions have been reduced, or of any amount withdrawn, in respect of which he has not been satisfied in the manner required by clause (*b*) of sub-rule (1) and clause (*c*) of sub-rule (2), together with interest thereon at the rate determined under rule 13 in respect of the year in which the payments should have been made from the emoluments of the subscriber and place it to the credit of the subscriber in the Fund.

19. (1) Government will not make any payments on behalf of subscribers to insurance companies nor take steps to keep a policy alive:

Provided that the Commissioner of Police may on the written request of a subscriber who belongs to the subordinate ranks of the Hyderabad City Police make payments of insurance premia on behalf of the subscriber direct to the insurance company in accordance with the procedure prescribed by the Government. Where payment is so made, the Government will not accept any responsibility for any loss caused by delay in the payment of premia, or by insufficient payment of premia for keeping the policy alive and they will not enter into any correspondence with the insurance company in regard to a policy, premia or any allied matter.

(2) A policy to be acceptable under these rules shall be one effected by the subscriber himself on his own life and shall (unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them) be such as may be legally assigned by the subscriber to the Governor.

Explanation 1.—A policy on the joint lives of the subscriber and the subscriber's wife or husband shall be deemed to be a policy on the life of the subscriber for the purpose of this sub-rule.

Explanation 2.—A policy which has been assigned to the subscriber's wife shall not be accepted unless either the policy is first re-assigned to the subscriber or the subscriber and his wife both join in an appropriate assignment.

(3) The policy may not be effected for the benefit of any beneficiary other than the wife or husband of the subscriber or the wife or husband and children of the subscriber or any of them:

Provided that subscribers who took out policies under Note 1 under rule * 21 (ii) or under clause (*b*) or (*c*) of rule *21-A of the rules previously in force, shall remain subject to the provisions of those rules in so far as policies so taken out are concerned.

20. (1) The policy, within six months after the first withholding of a subscription or withdrawal from the Fund in respect of the policy, or in the case of an insurance company whose headquarters are outside India, within such further period as the Account Officer if he is satisfied by the production of the completion certificate (*interim* receipt) may fix, shall—

(*a*) unless it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of his wife and children, or any of them, be assigned to the Governor as security for the payment of any sum which may become payable to the Fund under rule 25, and delivered to the Account Officer, the assignment being made by endorsement on the policy in Form (1) or Form (2) or Form (3) of the Forms in the Second Schedule according as the policy is on the life of the subscriber or on the joint lives of the subscriber and the subscriber's wife or husband; or the policy has previously been assigned to the subscriber's wife:

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* *See* Appendix B.

(*b*) if it is a policy effected by a male subscriber which is expressed on the face of it to be for the benefit of the wife of the subscriber, or of the wife and children or any of them, be delivered to the Account Officer.

(2) The Account Officer shall satisfy himself by reference to the Insurance Company where possible, that no prior assignment of the policy exists.

(3) Once a policy has been accepted by an Account Officer for the purpose of being financed from the Fund, the terms of the policy shall not be altered, nor shall the policy be exchanged for another policy without the prior consent of the Account Officer to whom details of the alteration or of the new policy shall be furnished.

(4) If the policy is not assigned and delivered, or delivered, within the said period of six months or such further period as the Account Officer may, under sub-rule (1), have fixed, any amount withheld or withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in rule 13, forthwith be paid or repaid, as the case may be, by the subscriber to the Fund, or, in case of default be ordered by the Account Officer tc be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the head of the department, as defined in Fundamental Rules

NOTE.—For the purpose of the sub-rule, Deputy Inspectors-General of Police shall be deemed to be heads of departments.

(5) Notice of assignment of the policy shall be given by the subscriber to the Insurance Company, and the acknowledgement of the notice by the Insurance Company shall be sent to the Account Officer within three months of the date of assignment.

NOTE 1.—Subscribers are advised to send notice of the assignment to the Insurances Company in duplicate, accompanied in cases in which the notice has to be sent to a Company in Great Britain or Ireland, by a remittance of five shillings, which is the fee for the acknowledgement authorized by the Policies of Assurance Act, 1867, (30 and 91, Vict. c. 144).

2.—Subscribers who proceed to Great Britain or Ireland on quitting the service are advised that under the English Stamp Law assignments or re-assignments are required to be stamped within 30 days of their first arrival in these countries. Otherwise penalty will be incurred under the Stamp Act, 1891 (54 and 55, Vict. c. 39) and difficulties may arise when the policy matures for payment.

3.—In cases where an employee in a medical or educational institution under a local body who is a subscriber to the Provident Fund established and maintained by it is permanently transferred to pensionable service under Government on account of such institution being taken over by Government and his policy of life assurance has been reassigned to him on such transfer, he shall assign the same to the Governor.

21. The subscriber shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the subscriber has no option to refrain from drawing during its currency shall be paid forthwith into the Fund by the subscriber or in case of default be ordered by the Account Officer to be recovered by deduction from the emoluments of the subscriber, by instalments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under clause (*c*) of sub-rule (1) of rule 14.

22 (1) Save as provided by rule 26, when the subscriber—

(*a*) quits the service; or

(*b*) has proceeded on leave preparatory to retirement or if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, and applies to the Account Officer for re-assignment or return of the policy; or

(*c*) while on leave has been permitted to retire or declared by a competent medical authority to be unfit for further service and applies to the Account Officer for re-assignment or return of the policy; or

(*d*) pays or repays to the Fund the whole of any amount withheld or withdrawn from the Fund for any of the purposes mentioned in sub-clause (ii) of clause (*a*) of rule 16 and sub-clauses (i) and (ii) of clause (*b*) of rule 16 with interest thereon at the rate provided in rule 13, the Account Officer shall—

(i) if the policy has been assigned to the Governor under rule 20 or under the corresponding rule heretofore in force, reassign the policy in Form (1) of the Forms set forth in the Third Schedule to the subscriber, or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber together with a signed notice of the re-assignment addressed to the Insurance Company; or

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 20, make over the policy to the subscriber:

Provided that, if the subscriber, after proceeding on leave preparatory to retirement, or after being, while on leave, permitted to retire or declared by a competent medical authority to be unfit for further service, returns to duty, any policy so re-assigned or made over shall, if it has not matured or been assigned or charged or encumbered in any way, be again assigned to the Governor and delivered to the Account Officer, or again be delivered to the Account Officer, as the case may be, in the manner provided in rule 20, and thereupon the provisions of these rules shall, so far as may be, again apply in respect of the policy:

Provided further that, if the policy has matured or been assigned or charged or encumbered in any way, the provisions of sub-rule (4) of rule 20 applicable to a failure to assign and deliver a policy shall apply.

(2) Save as provided by rule 26, when the subscriber dies before quitting the service, the Account Officer shall—

(i) if the policy has been assigned to the Governor under rule 20 or under the corresponding rule heretofore in force, re-assign the policy in Form (2) of the Forms set forth in the Third Schedule to such person as may be legally entitled to receive it and shall make over the policy to such person together with a signed notice of the re-assignment addressed to the Insurance Company; or

(ii) if the policy has been delivered to him under clause (*b*) of sub-rule (1) of rule 20, make over the policy to the beneficiary, if any, or, if there is no beneficiary, to such person as may be legally entitled to receive it.

23. (1) If a policy assigned to the Governor under rule 20 or under the corresponding rule heretofore in force matures before the subscriber quits the service, or if a policy on the joint lives of a subscriber and the subscriber's wife or husband, assigned under rule 20 or under the corresponding rule heretofore in force, falls due for payment by reason of the death of the subscriber's wife or husband, the Account Officer shall, save as provided by rule 26, proceed as follows:—

(i) if the amount assured together with the amount of any bonuses which have accrued is greater than the whole of the amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 13, the Account Officer shall re-assign the policy in the Form set forth in the Fourth Schedule to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber, who shall immediately on receipt of the policy moneys from the Insurance Company pay or repay to the Fund the whole of any amount withheld or withdrawn with interest, and in case of default, the provisions of rule 27 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (*a*) or (*b*) of rule 16 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

(ii) if the amount assured together with the amounts of any bonuses which have accrued is less than the whole of the amount withheld or withdrawn with interest, the Account Officer shall realize the amount assured together with any such bonuses and shall place the amount so realized to the credit of the subscriber in the Fund.

(2) Save as provided by rule 26, if a policy delivered to the Account Officer under clause (*b*) of sub-rule (1) of rule 20 matures before the subscriber quits the service, the Account Officer shall make over the policy to the subscriber:

Provided that if the interest in the policy of the wife of the subscriber, or of his wife and children, or any of them, as expressed on the face of the policy, expires when the policy matures, the subscriber, if the policy moneys are paid to him by the Insurance Company, shall immediately on receipt thereof, pay or repay to the Fund either—

(i) the whole of any amount withheld or withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in rule 13, or

(ii) an amount equal to the amount assured together with the amounts of any bonuses which have accrued, whichever is less, and, in case of default, the provisions of rule 27 shall apply as they apply in relation to cases where money withheld or withdrawn from the Fund under clause (*a*) or (*b*) of rule 16 has been utilised for a purpose other than that for which sanction was given to the withholding or withdrawal.

24. If the interest of the subscriber in the family pension fund referred to in clause (i) of sub-rule (*a*) of rule 16 ceases, in whole or part, from any cause whatsoever, the provident fund account of the subscriber shall forthwith be reimbursed by the amount of the refund secured by the subscriber from the family pension fund, which amount shall, in default

of reimbursement, be deducted from the subscriber's emoluments by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under clause (*c*) of sub-rule (1) of rule 14.

25. If the policy lapses, or is assigned otherwise than to the Governor under rule 20, or is charged or encumbered, the provisions of sub-rule (4) of rule 20 applicable to a failure to assign and deliver a policy shall apply.

26. If the Account Officer receives notice of—

(*a*) an assignment (other than an assignment to the Governor under rule 20) of, or

(*b*) a charge or encumbrance, on, or

(*c*) an order of a Court restraining dealings with,

the policy or any amount realized thereon, the Account Officer shall not—

(i) re-assign or make over the policy as provided in rule 22, or

(ii) realize the amount assured by the policy or re-assign or make over the policy, as provided in rule 23.

but shall forthwith refer the matter to Government.

26-A. Notwithstanding anything contained in these rules, in the case of a policy assigned to the Governor under rule 20 or under the corresponding rule heretofore in force, when the balance at the credit of the subscriber is transferred to his credit in the Andhra Pradesh Contributory Provident Pension Fund or the Contributory Provident Fund (Andhra Pradesh), the Account Officer shall re-assign the policy to the subscriber or the subscriber and the joint assured, as the case may be, in the second of the two Forms set forth in the Fourth Schedule and make it over to the subscriber together with a signed notice of re-assignment addressed to the Insurance Company. The subscriber, on receipt of the policy, shall re-assign it to the Governor under rule 35 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, or rule 19 of the Contributory Provident Fund (Andhra Pradesh) Rules (Andhra Pradesh) as the case may be. This procedure shall be adopted also in respect of policies which have already been "further assigned" to the Governor by the subscribers.

Recovery of Moneys Drawn, Withheld, or Withdrawn from the Fund for Improper Use.

27. Notwithstanding anything contained in these rules if the sanctioning authority is satisfied that money drawn as an advance from the Fund under sub-rule (1) of rule 14 or withheld or withdrawn from the Fund under clause (*a*) or clause (*b*) of rule 16 has been utilized for a purpose other than that for which sanction was given to the drawal, withholding or withdrawal of the money, the amount in question shall, with interest at the rate provided in rule 13, forthwith be repaid or paid, as the case may be, by the subscriber to the Fund, or in default, be ordered to be recovered by deduction in one sum from the emoluments of the subscriber, even if he be on leave. If the total amount to be repaid or paid, as the case may be, be more than half the subscriber's emoluments,

recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount recoverable be repaid or paid, as the case may be, by him.

NOTE.—The term 'emoluments' as used in this rule does not include subsistence grant.

Final Withdrawal of Accumulations in the Fund.

28. When a subscriber quits the service, the amount standing to his credit in the Fund shall become payable to him:

Provided that where a subscriber is dismissed or removed or compulsorily retired from service, the amount standing to his credit in the Fund shall not be paid to him—

(*a*) if he has preferred an appeal against such dismissal, removal or compulsory retirement until the appeal is disposed of or unless he states in writing that he has withdrawn the appeal, and

(*b*) if he has not preferred such an appeal, until the time allowed for preferring an appeal has expired or unless he states in writing that he will not prefer an appeal:

Provided further that a subscriber who has been dismissed, removed or compulsorily retired from the service and is subsequently reinstated in the service, shall, if required to do so by Government, repay any amount paid to him from the fund in pursuance of this rule, with interest thereon at the rate provided in rule 13, in the manner provided in the proviso to rule 29. The amount so repaid shall be credited to his account in the Fund.

A subscriber holding a post in an officiating or temporary capacity may either withdraw the amount on the termination of his post or leave it in the Fund to be withdrawn at the time he finally quits service.

Explanation: A subscriber other than one who is appointed on contract or one who has retired from service and is subsequently re-employed, with or without a break in service, shall not be deemed to quit the service, when he is transferred without any break in service to a new post under a State Government or in another department of the Central Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such case, his subscriptions together with interest thereon shall be transferred—

(*a*) to his account in the other Fund in accordance with the rules of that Fund, if the new post is in another department of the Central Government, or

(*b*) to a new account under the State Government concerned, if the new post is under a State Government and the State Government consents, by general or special order, to such transfer of subscriptions and interest.

29. When a subscriber—

(*a*) has proceeded on leave preparatory to retirement, or, if he is employed in a vacation department, on leave preparatory to retirement combined with vacation, or

(*b*) while on leave, has been permitted to retire or has been declared by a competent medical authority to be unfit for further service, or

(*c*) has attained the age of superannuation but has not been permitted to retire from service owing to some reason or other the amount standing to his credit in the Fund shall, upon application made by him in that behalf to the Account Officer, become payable to the subscriber:

Provided that the subscriber, if he returns to duty, shall, if required to do so by the authority competent to sanction an advance for the grant of which special reasons are required under clause (*c*) of sub-rule (1) of rule 14, repay to the Fund, for credit to his account, the whole or part of any amount paid to him from the Fund in pursuance of this rule with interest thereon at the rate provided in rule 13, in cash or securities, or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the said authority.

*30. On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made;

(i) when the subscriber leaves a family—

(*a*) if a nomination made by the subscriber in accordance with the provisions of rule 7 or of the corresponding rule heretofore in force in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination:

Provided that the amount shall be payable only to a person who fulfils the character of a member of the family on the date of the death of the subscriber:

(*b*) if no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(1) sons who have attained legal majority;

(2) sons of a deceased son who have attained legal majority;

(3) married daughters whose husbands are alive:

(4) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those specified in clauses (1), (2), (3) and (4):

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso;

* *See* also Appendix E.

(ii) when the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 7 or of the corresponding rule heretofore in force in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

NOTE 1 —Payment of provident fund money due to a minor beneficiary of a deceased subscriber may be made to the guardian nominated by the subscriber in the declaration made under the rules regulating the General Provident Fund in force before these rules came into force. When the subscriber has not nominated a guardian, a guardian appointed by the Court to receive payment on behalf of a minor beneficiary should alone be recognized even where the amount involved does not exceed the limit of Rs. 5,000 specified in clause (*b*) of sub-section (1) of section 4 of the Provident Funds Act, 1925 But if the party pleads inability to incur expenditure for obtaining the guardianship certificate from the Court, the orders of the Government should be obtained for making any payment

NOTE 2 —Payment may, however, be made without requiring the production of a guardianship certificate from the Court if the share of a minor beneficiary does not exceed Rs. 100—

(i) to the natural guardian of such minor beneficiary, or

(ii) in the absence of a natural guardian to the person considered fit by the head of the office to receive payment on behalf of such minor beneficiary on such person executing a bond (*see* Appendix F) signed by two sureties agreeing to indemnify the Government against any subsequent claim which might arise:

Provided that the natural guardian may, if it is considered expedient, be required to execute a bond signed by two sureties agreeing to indemnify the Government against any subsequent claim which might arise before the payment is made:

Provided further that, in cases governed by the Hindu law, payment may be made, without requiring the production of a guardianship certificate from the Court to a Hindu widow of a deceased subscriber on behalf of her minor children other than step-children irrespective of the limit of Rs. 100 specified above. She may, if considered expedient, be required to execute a bond signed by two sureties agreeing to indemnify the Government against any subsequent claim which might arise before the payment is made.

NOTE 3.—Payment of provident fund money due to a person nominated to receive the whole or part of the amount standing to the credit of a subscriber in the Fund shall be made as follows in cases where the nominee has predeceased the subscriber and the nomination continues to be valid at the time of death of the subscriber or where the nominee dies after the subscriber but before receiving payment:—

(a) When the amount due to the deceased nominee does not exceed Rs. 500/- the Accountant-General may authorise payment of the amount to the claimant or claimants reported by the Collector of the district concerned to be entitled to receive payment after making such enquiry into the right and title of the claimant or claimants as the Collector may deem sufficient, if the Collector considers that the production of letters of administration or other legal authority may be dispensed with. The records of enquiry should contain the signed statements of at least two trustworthy or disinterested persons:

Provided that the Collector may, in such cases, if he considers it expedient require the party to execute, before the payment is made, a bond signed by two sureties agreeing to indemnify the Government against any subsequent claim which might arise.

(b) When the amount due to the deceased nominee exceeds Rs. 500/- payment shall be made by the Accountant-General to the person who produces probate or letters of administration evidencing the grant to him of administration to the estate of the deceased nominee or a succession certificate entitling the holder thereof to receive payment of the amount.

Provided that, in cases where the Government are satisfied of the right and title of a person claiming payment as heir of the deceased nominee and that undue delay and hardship would be caused by insisting on the production of letters of administration or other legal authority, they may authorise the Accountant-General to pay the amount to the claimant on his executing a bond signed by two sureties agreeing to indemnify the Government against any subsequent claim which might arise.

31. (1) When the amount standing to the credit of a subscriber in the Fund becomes payable, it shall be the duty of the Account Officer to make payment, as provided in section 4 of the Provident Funds Act, 1925.

(2) If the person, to whom, under these rules, any amount or policy is to be paid, re-assigned or delivered, is a lunatic for whose estate a manager has been appointed in this behalf under the Indian Lunacy Act, 1912, the payment, re-assignment or delivery shall be made to such manager and not to the lunatic.

(3) Heads of offices shall obtain and forward to the Account Officer applications from subscribers for payment of provident fund balances under this rule. The applications shall be in the form in Appendix H and shall be sent so as to reach the Account Officer within a fortnight of the event necessitating the closure of the fund accounts. Payment of amounts withdrawn shall be made in India only. The persons to whom the amounts are payable shall make their own arrangements to receive payment in India.

NOTE.—When the amount standing to the credit of a subscriber has become payable under rules 28, 29, or 30, the Account Officer shall authorize prompt payment of that portion of the amount standing to the credit of a subscriber in regard to which there is no dispute or doubt, the balance being paid as soon after as may be.

32. (*a*) If a Government servant, who is a subscriber to any other Government Provident Fund, which is a non-contributory provident fund is permanently transferred to pensionable service under Government, the amount of subscriptions, together with interest thereon, standing to his credit in such other fund at the date of transfer shall, with the consent of the Government concerned, be transferred to his credit in the Fund.

(*b*) If a Government servant, who is a subscriber to the State Railway Provident Fund, any other contributory Provident Fund of the Central Government, the Contributory Provident Fund (Andhra Pradesh) or any other State contributory provident fund, is permanently transferred to pensionable service under Government and elects or is required to earn pension in respect of such pensionable service—

(i) the amount of subscriptions, with interest thereon, standing to his credit in such contributory provident fund at the date of transfer shall, with the consent of the other Government concerned, if any, be transferred to his credit in the Fund;

(ii) the amount of Government contributions, with interest thereon, standing to his credit in such contributory provident fund shall, with the consent of the other Government concerned, if any, be transferred to the credit of the revenues of the State; and

(iii) he shall in exchange be entitled to count towards pension such part of the period during which he subscribed to such contributory provident fund as Government may determine.

(*c*) If an employee in a medical or educational institution under a local body, who is a subscriber to the Provident Fund established and maintained by it, is permanently transferred to pensionable service under

Government on account of such institution being taken over by Government—

(i) the amount of subscriptions, with interest thereon, standing to his credit in the local body's Provident Fund, shall be transferred to his credit in the Fund; and

(ii) if such employee retains the Provident Fund benefits in respect of his previous service under the local body, the amount of contributions by the local body, with interest thereon, standing to his credit in the local body's Provident Fund, shall also be transferred to his credit in the Fund.

(*d*) (1) If a member of the Madras High Court Official Assignee Service, who does not elect to subscribe to the Contributory Provident Fund from 1st April 1943 chooses to count towards pension the service rendered by him prior to the said date, the amount of subscriptions, with interest thereon, standing to his credit on 31st March 1943 in the Official Assignee's Provident Fund shall be transferred to his credit in the Fund and the amount of contributions, together with interest thereon, standing to his credit on 31st March 1943, shall be transferred to the credit of the revenues of the State.

(2) If such member retains the Provident Fund benefits in respect of the service rendered by him prior to 1st April 1943, the entire amount standing to his credit on 31st March 1943 in the Official Assignee's Provident Fund shall be transferred to his credit in the Fund.

NOTE.—The provisions of this rule do not apply to a subscriber who has retired rom service and is subsequently re-employed with or without a break in service, or to a subscriber who was holding the former appointment on contract.

32-A. If a subscriber to the fund is subsequently admitted to the benefits of the Contributory Provident Fund (Andhra Pradesh), the amount of his subscriptions, together with interest thereon, shall be transferred to the credit of his account in the Contributory Provident Fund (Andhra Pradesh).

NOTE —The provisions of this rule do not apply to a subscriber who is appointed on contract or who has retired from service and is subsequently re-employed with or without a break in service in another post carrying contributory provident fund benefits.

(G.O. Ms. No. 779, Finance ,dated 5-7-1958).

Rules of Procedure.

33. All sums paid into the Fund under these rules shall be credited in the books of Government to an account named "The General Provident Fund." Sums of which payment has not been taken within six months after they become payable under these rules shall be transferred to "Deposits" at the end of the year and treated under the ordinary rules relating to deposit.

34. When paying a subscription in India, either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the Fund, which shall be communicated to him by the Account Officer. Any change in the number shall similarly be communicated to the subscriber by the Account Officer.

35. (1) As soon as possible after the close of each year, the Account Officer shall send to each subscriber a statement of his account in the Fund showing the opening balance as on the 1st April of the year, the total amounts credited or debited during the year, total amount of interest credited as on the 31st March of the year and the closing balance on that date. The Account Officer shall attach to the statement of account an inquiry as to whether the subscriber—

(a) desire to make any alteration in any nomination made under rule 7 or under the corresponding rule heretofore in force;

(b) has acquired a family in cases where the subscriber has made no nomination in favour of a member of his family under the proviso to sub-rule (1) of rule 7.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Account Officer within three months from the date of receipt of the statement.

(3) The Account Officer shall, if required by a subscriber, once but not more than once, in a year inform the subscriber of the total amount standing to his credit in the Fund at the end of the last month for which his account has been written up.

First Schedule

[*See* Rule 7 (3)].

Forms of Nomination.

I. When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of the General Provident Fund (Andhra Pradesh) Rules to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of nominee.	Relationship with subscriber.	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

II. When the subscriber has a family and wishes to nominate more than one member thereof

I hereby nominate the persons mentioned below who are members of my family as defined in rule 2 of the General Provident Fund (Andhra Pradesh) Rules to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of the nominee.	Relationship with subscriber.	Age.	* Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

III. When the subscriber has no family and wishes to nominate one person.

I, having no family as defined in rule 2 of the General Provident Fund (Andhra Pradesh) Rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:—

Name and address of the nominee.	Relationship with subscriber.	Age	** Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

* NOTE.—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

** NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

IV. When the subscriber has no family and wishes to nominate more than one person.

I having no family as defined in rule 2 of the General Provident Fund (Andhra Pradesh) Rules hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of the nominees.	Relationship with subscriber.	Age.	* Amount or share of accumulations to be paid to each.	** Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.

Dated this day of 19 , at

Signature of subscriber.

Two witnesses to signature—

(1)

(2)

* NOTE.—This column shall be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

** NOTE.—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

SECOND SCHEDULE

[(*See* Rule 20 (1) (*a*).]

FORMS OF ASSIGNMENT.

(1)

I. *A.B.* of hereby assign unto the Governor of Andhra Pradesh the within policy of assurance as security for payment of all sums which under rule 25 of the General Provident Fund (Andhra Pradesh) Rules, I may hereafter become liable to pay to that fund.

I hereby certify that no prior assignment of the within policy exists.

Dated this day of 19 .

Signature of subscriber.

One witness to signature.

(2)

We, *A.B.* (the subscriber) of and *C.D* (the joint assured) of in consideration of the Governor of Andhra Pradesh agreeing at our request to accept payments towards the within policy of assurance in substitution for the subscriptions payable by me the said *A B* to the General Provident Fund (or, as the case may be, to accept the withdrawal of the sum of Rs. , from the sum to the credit of the said *A.B* in the General Provident Fund for payment of the premium of the within policy of assurance) hereby jointly and severally assign unto the said Governor the within policy of assurance as security for payment of all sums which under rule 25 of the General Provident Fund (Andhra Pradesh) Rules the said *A B* may hereafter become liable to pay to that fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of subscriber and the joint assured.

One witness to signature.

NOTE.—The assignment may be executed on the policy itself either in the subscriber's handwriting or in type, or alternatively a typed or printed slip containing the assignment may be pasted on the blank space provided for the purpose on the policy. A typed or printed endorsement must be duly signed and if pasted on the policy it must be initialled across all four margins.

(3)

I, *C.D.*, wife of *A B* , and the assignee of the within policy, having, at the request of *A.B.* the assured agreed to release my interest in the policy in favour of *A.B.* in order that *A B.* may assign the policy to the Governor of Andhra Pradesh who has agreed to accept payments towards the within policy of assurance in substitution for the subscriptions payable by *A B.*, to the General Provident Fund hereby at the request and by the direction of *A.B.* assign and I the said *A.B.* assign and confirm unto the said Governor the within policy of assurance as security for payment of all sums which under rule 25 of the General Provident Fund (Andhra Pradesh) Rules the said *A.B.* may herafter become liable to pay to the Fund.

We hereby certify that no prior assignment of the within policy exists.

Dated this day of 19

Signature of the assignee and the subscriber.

One witness to signature.

Station.

THIRD SCHEDULE

(*See* Rule 22).

FORMS OF REASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH

(1)

All sums which have become payable by the above named *A B.* under rule 25 of the General Provident Fund (Andhra Pradesh) Rules having been paid and all liability for payment by him of any such sums in the future having ceased the Governor of Andhra Pradesh doth hereby reassign the within policy of assurance to the said $\frac{A.B.,}{A.B. \text{ and } C.D.}$

Dated this day of 19

Executed by..

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of }

XY

(Signature of the Account Officer)

YZ

(One witness who should add his designation and address.)

(2)

The abovenamed A.B having died on the day of 19 * the Governor of Andhra Pradesh doth hereby reassign the within policy of assurance to *C.D.*

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of }

XY

(Signature of the Account Officer.)

YZ

(One witness who should add his designation and address.)

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* Fill in particulars of person legally entitled to receive the pollicy.

FOURTH SCHEDULE

(*See* Rule 23).

FORM OF REASSIGNMENT BY THE GOVERNOR OF ANDHRA PRADESH

The Governor of Andhra Pradesh doth hereby reassign the within policy to the said $\frac{A.B.}{A.B. \text{ and } C.D.}$

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } *XY*

(Signature of the Account Officer.)

YZ

(One witness who should add his designation and address.)

" Form of reassignment by the Governor to be used in cases where a subscriber to the General Provident Fund who has effected an insurance policy under the rules of that Fund is admitted to the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950, or the Contributory Provident Fund Rules (Andhra Pradesh)

(*See* Rule 26-A.)

WHEREAS *A.B.*/*A.B.* and *C.D.* of $\frac{\text{has}}{\text{have}}$ [the assigned within policy of Assurance No. , dated with the (here enter the name of the Insurance Company) to the Governor of Andhra Pradesh as security for the payment of all sums which *A.B.* has become liable to pay under rule 25 of the General Provident (Andhra Pradesh) Rules;

AND WHEREAS it is necessary to make a fresh assignment of the policy under rule $\frac{\text{35 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules 1950}}{\text{19 of the Contributory Provident Fund Rules (Andhra Pradesh)}}$

AND WHEREAS it is found necessary to reassign the policy to the Assured/Assured and Joint Assured to enable him/them to make a fresh assignment to the Governor of Andhra Pradesh as aforesaid;

NOW, THEREFORE, the Governor of Andhra Pradesh hereby reassigns the said policy unto the said *A.B.*/*A.B.* and *C.D.* to enable the said *A B.*/*A B* and *C.D.* to make a fresh assignment in favour of the Governor in conformity with rule $\frac{\text{35 of the Andhra Pradesh Contributory Provident Fund-Pension-Insurance Rules, 1950.}}{\text{19 of the Contributory Provident Fund Rules (Andhra Pradesh).}}$

Dated this day of 19

Executed by

Account Officer of the Fund for and on behalf of the Governor of Andhra Pradesh in the presence of } *XY*

(Signature of the Account Officer.)

YZ

(One witness who should add his designation and address.)

FIFTH SCHEDULE

(*See* Rule 14).

AUTHORITIES COMPETENT TO GRANT TEMPORARY ADVANCES

1. An advance for the grant of which special reasons are not required under clause (*c*) of sub-rule (1) of rule 14 may be sanctioned—

(i) in the case of subscribers who are Gazetted Officers—

(*a*) by the Government, or

(*b*) by the Heads of Departments specified below if such officers are under their control, namely:—

(1) Board of Revenue
(2) High Court.
(3) Director of Public Instruction.
(4) Inspector-General of Police.
(5) Director of Medical Services.
(6) Director of Public Health.
(7) Chief Engineer, Public Works Department.
(8) Chief Engineer for Electricity
(9) Chief Conservator of Forests.
(10) Director of Agriculture.
(11) Director of Industries and Commerce.
(12) Registrar of Co-operative Societies.
(13) Inspector-General of Registration.
(14) Inspector-General of Local Administration.
(15) Transport Commissioner (Chairman, State Transport Authority).
(16) Honorary Director of Social Welfare.
(17) Director of Animal Husbandry and Fisheries.
(18) Examiner of Local Fund Accounts.
(19) Controller of Stationery and Printing.
27 Officer in charge of Govt. Press, Kurnool

(ii) in the case of subscribers who are non-Gazetted officers in receipt of not less than Rs. 200 per mensem in the Co-operative department, and Rs. 150 per mensem in other departments—

(*a*) by the head of the department or other authority competent to dismiss the subscriber, or

(*b*) by the authorities specified below if such officers are under their control namely:—

(1) Superintendent, Government Press.

(2) Superintending Engineers, Public Works Department and Electricity Department.

(3) Deputy Inspectors-General of Police.

(4) Collectors of districts.

(5) Secretary to the Board of Revenue.

(iii) in the case of subscribers of the Police Department who are holding non-gazetted posts and are in receipt of a pay of less than Rs.150 per mensem, by the authorities specified below, if such subordinates are under their control:—

(*a*) the Superintendent, Special Branch of the C.I.D.;

(*b*) the Superintendent, Crime Branch of the C.I.D.; and

(*c*) the Personal Assistants to the District Superintendents of Police.

(iv) in the case of other subscribers by the head of the office or any lower authority competent to dismiss the subscriber.

2. An advance for the grant of which special reasons are required under clause (*c*) of sub-rule (1) of rule 14 may be sanctioned by the authority competent to dismiss the subscriber or where the subscriber's services are lent, by the authority who would be competent to dismiss the subscriber, if the subscriber were a substantive holder of the post held by him on loan.

APPENDIX A

(*See* Rule 2.)

ACT No. XIX OF 1925

PASSED BY THE INDIAN LEGISLATURE.

(*Received the assent of the Governor-General on the 27th August* 1925).

An Act to amend and consolidate the law relating to Government and other Provident Funds.

WHEREAS it is expedient to amend and consolidate the law relating to Government and other Provident Funds; It is hereby enacted as follows.—

Short title, extent and commencement. 1 (1) This Act may be called the Provident Funds Act, 1925.

(2) It extends to the whole of British India, including British Baluchistan.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions. 2 In this Act, unless there is anything repugnant in the subject or context—,

(*a*) " compulsory deposit " means a subscription to, or deposit in, a Provident Fund which under the rules of the Fund, is not, until the happening of some specified contingency, repayable on demand otherwise than for the purpose of the payment of premia in respect of a policy of life insurance, or the payment of subscriptions or premia in respect of a family pension fund and includes any contribution and any interest or increment which has accrued under the rules of the Fund on any such subscription, deposit or contribution, and also any such subscription, deposit, contribution, interest or increment remaining to the credit of the subscriber or depositor after the happening of any such contingency;

(*b*) " contribution " means any amount credited in a Provident Fund, by any authority administering the Fund, by way of addition to, a subscription to, or deposit or balance at the credit of an individual account in the Fund, and " Contributory Provident Fund " means a Provident Fund the rules of which provide for the crediting of contributions;

(*c*) " dependent " means any of the following relatives of a deceased subscriber to, or a depositor in, a Provident Fund, namely, a wife, husband, parent, child, minor brother, unmarried sister and a deceased son's widow and child and, where no parent of the subscriber or depositor is alive, a paternal grand-parent;

(*d*) " Government Provident Fund " means a Provident Fund, other than a Railway Provident Fund, constituted by the authority of the Secretary of State, the Central Government, the Crown Representative or any Provincial Government for any class or classes of persons in the service of the Crown or of persons employed in educational institutions or employed by bodies existing solely for educational purposes, and references in this Act to the Government shall be construed accordingly.

(*e*) "Provident Fund" means a fund in which subscriptions or deposits, of any class or classes of employees are received and held on their individual accounts, and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund;

(*f*) " Railway administration " means—

(i) any company administering a railway or tramway in British India either under a special Act of Parliament or an Indian law, or under contract with the Crown, or

(ii) The manager of any railway or tramway administered by the Federal Railway Authority or by a Provincial Government,

and includes, in any case referred to in sub-clause (ii), the Federal Railway Authority or the Provincial Government, as the case may be;

(*g*) " Railway Provident Fund " means a Provident Fund constituted by the authority of a Railway administration for any class or classes of its employees,

3. (1) A compulsory deposit in any Government or Railway Provident Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court in respect of any debt or liability incurred by the subscriber or depositor, and neither the Official Assignee nor any receiver appointed under the Provincial Insolvency Act, 1920, shall be entitled, to or have any claim on, any such compulsory deposit

Protection of compulsory deposits

of 1920.

(2) Any sum standing to the credit of any subscriber to, or depositor in any such Fund at the time of his decease and payable under the rules of the Fund to any dependant of the subscriber or depositor, or to such person as may be authorized by law to receive payment on his behalf, shall, subject to any deduction authorized by this Act and, save where the dependant is the widow or child of the subscriber or depositor, subject also to the rights of an assignee under an assignment made before the commencement of this Act, vest in the dependant, and shall, subject as aforesaid, be free from any debt or other liability incurred by the deceased or incurred by the dependant before the death of the subscriber or depositor

4 (1) When under the rules of any Government or Railway Provident Fund the sum standing to the credit of any subscriber or depositor, or on the balance thereof after the making of any deduction authorized by this Act, has become payable, the officer whose duty it is to make the payment shall pay the sum or balance, as the case may be, to the subscriber or depositor, or, if he is dead, shall—

Provisions regarding repayments.

(*a*) if the sum or balance, or any part thereof, vests in a dependant under the provisions of section 3, pay the same to the dependant or to such person as may be authorized by law to receive payment on his behalf, or

(*b*) if the whole sum or balance, as the case may be, does not exceed five thousand rupees, pay the same, or any part thereof, which is not payable under clause (*a*) to any person nominated to receive it under the rules of the Fund, or, if no person is so nominated, to any person appearing to him to be otherwise entitled to receive it, or

(*c*) in the case of any sum or balance, or any part thereof, which is not payable to any person under clause (*a*) or clause (*b*) pay the same,—

(i) to any person nominated to receive it under the rules of the Fund, on production by such person of probate or letters of administration evidencing the grant to him of administration to the estate of the deceased or a certificate granted under the
of 1889. Succession Certificate Act, 1889, or under the Bombay Regulation VIII of 1827, entitling the holder thereof to rceive payment of such sum, balance or part, or

(ii) where no person is so nominated, to any person who produces such probate, letters or certificates·

Provided that, where the whole or any part of any sum standing to the credit of the subscriber or depositor has been assigned to any other person before the commencement of this Act, and notice in writing of the assignment has been received by the officer from the assignee, the officer shall, after making any deduction authorized by this Act and any payment due under clause (*a*) to or on behalf of the widow or children of the subscriber or depositor—

(i) if the subscriber or depositor or, if he is dead, the person to whom in the absence of any valid assignment the sum or balance would be payable under this sub-section gives his consent in writing, pay the sum or part of the balance thereof, as the case may be, to the assignee, or

(ii) if such consent is not forthcoming, withhold payment of the sum, part or balance, as the case may be, pending a decision of a competent Civil Court as to the person entitled to receive it.

(2) The making of any payment authorized by sub-section (1) shall be a full discharge to the Government or the Railway administration, as the case may be, from all liability in respect of so much of the sum standing to the credit of the subscriber or depositor as is equivalent to the amount so paid

5. (1) Notwithstanding anything contained in any law for the time being in force or in any disposition, whether testamentary or otherwise, by a subscriber to, or depositor in, a Government or Railway Provident Fund of the sum standing to his credit in the Fund or of any part thereof, where any nomination, duly made in accordance with rules of

Rights of nominees.

the Fund, purports to confer upon any person the right to receive the whole or any part of such sum on the death of the subscriber or depositor occurring before the sum has become payable or before the sum, having become payable, has been paid the said person shall, on the death as aforesaid of the subscriber or depositor, become entitled, to the exclusion of all other persons, to receive such sum or part thereof, as the case may be, unless—

(*a*) such nomination is at any time varied by another nomination made in like manner or expressly cancelled by notice given in the manner and to the authority prescribed by those rules, or

(*b*) such nomination at any time becomes invalid by reason of the happening of some contingency specified therein,—

and if the said person predeceases the subscriber or depositor, the nomination so far as it relates to the right conferred upon the said person, become void and of no effect·

Provided that where provision has been duly made in the nomination in accordance with the rules of the Fund, conferring upon some other person such right in the stead of the person deceased, such right shall, upon the decease as aforesaid of the said person, pass to such other person

(2) Notwithstanding anything contained in the Succession Certificate Act, 1889, or the Bombay Regulation VIII of 1827, any person, who becomes entitled as aforesaid, may be granted a certificate under that Act, or that Regulation, as the case may be, entitling him to receive payment of such sum or part, and such certificate shall not be deemed to be invalidated or superseded by any grant to any other person or probate or lettters of administration to the estate of the deceased **VII of 18**

(3) The provisions of this section as amended by sub-section (1) of section 2 of the Provident Funds (Amendment) Act, 1946, shall apply also to all such nominations made before the date of the commencement of that Act·

Provided that the provisions of this section as so amended shall not operate to affect any case, in which before the said date any sum has been paid, or had under the rules of the Fund become payable in pursuance of any nomination duly made in accordance with those rules.

Power to make deduction.

6. When the sum standing to the credit of any subscriber or depositor in any Government or Railway Provident Fund which is a Contributory Provident Fund becomes payable, there may, if the authority specified in this behalf in the rules of the Fund so directs, be deducted therefrom and paid to Government or the Railway administration, as the case may be—

(*a*) any amount due under a liability incurred by the subscriber or depositor to Government or the Railway administration, but not exceeding in any case the total amount of any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions; or

(*b*) where the subscriber or depositor has been dismissed from his employment for any reasons specified in this behalf in the rules of the Fund,or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.

Protection for acts done in good faith.

7. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act **IX of 19]**

Power to apply the act to the Provident Fund.

8. (1) The appropriate Government may, by notification in the Official Gazette, direct that the provisions of this Act, shall apply to any Provident Fund, established for the benefit of its employees by any local authority within the meaning of the Local Authorities Loans Act, 1914, and on the making of such declaration, this Act shall apply accordingly, as if such Provident Fund were a Government Provident Fund and such local authority were the Government.

(2) The appropriate Government may by notification in the Official Gazette direct that the provisions of this Act shall apply to any Provident Fund established for the benefit of the employees of any of the institutions specified in the schedule, or of any group of such institutions, and, on the making of such declaration, this Act shall apply accordingly, institutions, and, on as if such Provident Fund were a Government Provident Fund and the authority having custody of the Fund were the Government:

Provided that section 6 shall apply as if the authority making the contributions referred to in that section were the Government

(3) The appropriate Government may, by notification in the Official Gazette, add to the schedule the name of any public institution it may deem fit, and any such addition shall take effect as if it had been made by this Act

(4) In this section, "the appropriate Government" means—

(a) in relation to a cantonment authority, a port authority for a major port and any institution which, or the objects of which, appear to the Central Government to fall within List I in the Seventh Schedule to the Government of India Act, 1935, the Central Government, and

eo. 5, 2.

(b) in other cases, the Provincial Government.

Explanation.—"The Provincial Government" in relation to an institution registered under the Societies Registration Act, 1860, means the Provincial Government of the Province in which the Society is registered.

XI of 1860.

9. Nothing in section 4 or section 5 shall apply to money belonging to any estate for the purpose of the administration of which the Regimental Debts Act, 1893, applies.

Savings as to estates of soldiers.

nd 57. t. C5.

THE SCHEDULE

List of Institutions.

[*See* sub-section (2) of section 8.]

1. The Pasteur Institute of India, Kasauli.
2. The Calcutta Improvement Tribunal.
3. A Court of Wards
4. The Indian Central Cotton Committee.
5. The Trustees for the European Hospital for Mental Diseases at Ranchi.
6. The National Association for supplying female medical aid to the women of India
7. A College affiliated to a University established by Statute.
8. The Indian Red Cross Society.
9. The Indian Lac Cess Committee.

APPENDIX B.

(*See* Rules 4 and 19)

(*Extracts from the Rules regulating the General Provident Fund as corrected up to the end of July* 1929.)

1. * * * * *

NOTE 2.—Section writers who are members of fixed establishments and piece-workers in Government Presses are eligible to subscribe to the Fund.

NOTE 3.—Patwaris, in inferior service, in permanent employ, are eligible to subscribe to the Fund.

NOTE 4.—Patwaris, in inferior service, in temporary employ and all officers in temporary superior service shall be eligible to subscribe to the Fund, with the consent of the head of their office, provided that they have been employed, or, in the opinion of the head of their office, are likely to be employed for at least three years.

* * * * *

3. * * * * *

(c) * * * * *

NOTE 1.—Temporary Engineers in the Public Works Department appointed on or after the 1st July 1913 and also temporary Engineers already serving in the department whose services have been or may be re-engaged for a further period on an increased rate of pay, shall be required to subscribe to the Fund at the rate of $1\frac{1}{2}$ annas in the rupee or $9\frac{3}{8}$ per cent of pay.

* * * * *

* * * * *

7.

NOTE 1.—*Explanations and Exceptions.*

(*f*) *Piece-workers in Government Presses*.—The subscriptions of piece-workers in Government Presses are not subject to the minimum limit of 6¼ per cent of pay. In their case the maximum limit of 15⅝ per cent shall be calculated on the highest earnings drawn for any day falling within the period 15th February to 14th March of the financial year preceding. If, however, a piece-worker has been absent during the whole of that period the limit of 15⅝ per cent shall be calculated on the highest earnings drawn for any day of the first subsequent press month (15th of one month to the 14th of the next month) in which he is employed.

(*g*) *Other piece-rate workers.*—The subscriptions of section writers, typists and other piece-rate workers who are members of fixed establishments shall be calculated on their earnings for March of the preceding financial year.

* * * * *

21 (ii) An insurance policy shall be on the subscriber's own life, in which case it is immaterial what form the policy takes, i.e., it may be a life or an endowment, or double endowment policy, but it shall be such as is legally assignable to Government.

NOTE 1.—A guarantee policy which ensures the payment of the sum assured in the event of the policy-holder being retired by the Medical Board shall be accepted for the purposes of the rule.

A contingent annuity, which, in the event of his death, ensures a certain income to the insurer's wife or children, or both, shall also be accepted for the purposes of this rule.

NOTE 2.—If a policy of insurances is effected by a subscriber on his own life for the benefit of a sole beneficiary specifically named therein, a formal assignment by both the insured and the sole beneficiary shall be permissible. An assignment of a policy effected by a subscriber on his own life for the benefit of more than one beneficiary whether existent or not at the date of the policy shall not, in view of the attendant legal difficulties, be permissible under this rule.

* * * * *

21-A. (*b*) A married subscriber to the Fund may substitute, for subscriptions to the General Provident Fund, payments, towards either (i) a policy of assurance effected on his own life, if the policy, on the face of it, is for the benefit of his wife or of his children or of any or all of these, provided that, if such policy matures not at death, but after a period of years, the date of maturity shall not be earlier than the earliest date on which the subscriber may, by the terms of his service, retire; or (ii) any policy or assurance effected on his own life which he has assigned to trustees by a deed of settlement for the benefit of his wife or of his children or of any or all of these.

(*c*) A married subscriber to the Fund may substitute, or continue to substitute as the case may be, for contributions to the General Provident Fund, payments towards a policy of assurance on his own life to which he has already been subscribing provided that he either (i) assigns his existing policy to trustees by a deed of settlement for the benefit of his wife or of his children or of any or all of these; or(ii) converts his policy into a policy of assurance effected on his own life, but expressed on the face of it to be for the benefit of his wife or of his children or of any or all of these, provided that, if such policy matures not at death, but after a period of years, the date of maturity shall not be earlier than the earliest date on which he may, by the terms of his service retire; or (iii) converts his policy into any policy of assurance effected on his own life, and then assigns it to trustees by a deed of settlement for the benefit of his wife, or of his children or of any of all of these, and provided that if he has, as a bachelor, been substituting for contributions to the Fund payments towards such policy of assurance, than such assignment, conversion, or conversion and assignment, shall be effected before or within three months after his marriage.

NOTE 1.—If, upon the conversion of an existing policy, any portion of the surrender value of such policy is not applied in effecting the new policy, such portion shall be repaid to the Fund and placed to the credit of the subscriber's account.

* * * * *

APPENDIX C.

(*See* Rule 14.)

APPENDIX D.

(*See* Rule 16.)

Where a subscriber intends to take out a life assurance policy in any company and to substitute premiums in such a policy for subscriptions to the General Provident Fund, he should satisfy himself that the company concerned is a sound one. Every life assurance company working in India is required by law to deposit with the Government of India copies of the following documents:—

(*a*) The actuary's report on the latest investigation made by him into its financial condition including a valuation of its liabilities,

(*b*) Life assurance revenue account for the last financial year; and

(*c*) balance sheet as at the close of the last financial year.

These should be asked for. The subscriber should examine the documents and apply the following three tests to judge for himself the financial stability of the company:—

(1) Whether the latest actuarial investigation disclosed a *divisible surplus*, namely, a surplus a portion of which was allocated to policy holders,

(2) whether the revenue account shows that the expenses of management, including commission, did not absorb more than a third of the premium income in the last financial year, and

(3) whether in the latest balance sheet, " loans on personal security " did not constitute an appreciable portion of the total assets of the Company.

APPENDIX E.

(*See* Rule 30.)

1. Any sum payable under rule 30 to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925.

2. When a nominee is a dependant of the subscriber as defined in clause (*c*) of section 2 of the Provident Funds Act, 1925, the amounts vest in such nominee under subsection (2) of section 3 of the Act.

3. When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 7 subsists, or if such nomination relates only to part of the amount standing to his credit in the Fund, the relevant provisions of clause (*b*) and of sub-clause (ii) of clause (*c*) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

APPENDIX F.

[*See* Note 2 (ii) under Rule 30.]

Form of bond of Indemnity for drawal of Provident Fund money due to the minor child/children of a deceased subscriber by a person other than its/their natural guardian where each minor's share does not exceed Rs. 100.

KNOW ALL MEN by these presents I/we (*a*) resident(s) of and I/we (*b*) and resident (s) of sureties on her/his/their behalf are held firmly bound to the Governor of Andhra Pradesh (hereinafter called the Governor which expression shall, where the context admits, include his successors in office and assigns) in the sum of Rupees (Rs.) to be paid to the said Governor FOR WHICH payment to be well and truly made, each of us severally binds himself and his heirs, executors, administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents.

As witness our hands this day of 19 .

WHEREAS (*c*) was at the time of his death a subscriber to the General Provident Fund AND WHEREAS the said (*c*) died on the day of 19 and a sum of Rupees (Rs.) is payable by the Government of Andhra Pradesh (hereinafter called the Government) on account of his General Provident Fund accumulations AND WHEREAS the above bounden (*a*) [hereinafter called the claimant(s) claim(s)* the said sum on behalf of the minor child/children of the said (*c*)] but has/have not obtained a guardianship certificate.

AND WHEREAS THE claimant(s) has/have satisfied the (*d*) (officer concerned) that he/she/they/is/are entitled to the aforesaid sum and that it would cause undue delay and hardship if the claimant(s) were required to produce a guardianship certificate AND WHEREAS Government desire to pay the said sum to the claimant(s) but under Government rules and orders it is necessary that the claimant(s) should first execute a bond with two sureties to indemnify Government against all claims to the amount so due as aforesaid to the said (*c*) (deceased) before the said sum can be paid to the claimant(s) NOW THE CONDITION of this bond is such that if after payment has been made to the claimant(s) the claimant(s) or sureties shall in the event of a claim being made by any other person against Government with respect of the aforesaid sum of Rs. refund to Government the sum of Rupees and shall otherwise indemnify and save Government harmless from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto THEN the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

IN WITNESS to the above-written bond and the condition therefor we and and have hereunto set our hands this day of 19

(*a*) Full name of claimant(s) with place(s) of residence.

(*b*) Full name(s) of the sureties.

(*c*) Name of deceased.

(*d*) Title of the officer responsible for the payment.

* Here insert " to be entitled to " or " as guardian," as the case may be.

APPENDIX G

[*See* Note 3 under Rule 30]

Form of Indemnity that should be taken for authorizing payment of the General Provident Fund deposits without insisting on the production of letters of administration or other legal authority to a person claiming payment as heir of the deceased nominee of the subscriber.

KNOW ALL MEN by these presents that I/we (*a*) resident(s) of and we (*b*) resident of and (*b*) resident of sureties on her/his/their behalf are held firmly bound to His Excellency the Governor of Andhra Pradesh (hereinafter called the Governor which expression shall, where the context admits, include his successors in office and assigns) in the sum of Rupees (Rs) to be paid to the Governor FOR WHICH payment to be well and truly made each of us severally binds himself/herself and his/her heirs, executors, administrators, legal representatives, and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators, legal representatives and assigns firmly by these presents.

As witness our hands this day of 19

WHEREAS (*c*) was at the time of his/her death a subscriber to the General Provident Fund;

AND WHEREAS the said (*c*) died on the day of 19 ;

AND WHEREAS a sum of Rupees (Rs.) is payable to (*d*) , the nominee of the said (*c*) by the Government of Andhra Pradesh (hereinafter called the Government) on account of the General Provident Fund accumulations of the said (*c*) ,

AND WHEREAS the said (*d*) Predeceased the said (*c*) / died after the said (*c*) but before receiving the payment

AND WHEREAS the above bounden [hereinafter called the claimant(s)] claim(s) the said sum but has/have not obtained probate or letters of administration or other legal authority;

AND WHEREAS the Collector of /Government desire(s) to pay the said sum to the claimant(s) but consider(s) it necessary that the claimant(s) should first execute a bond with two sureties to indemnify the Government against all claims to the amount so due as aforesaid (*b*) before the said sum can be paid to the claimant(s),

NOW THE CONDITION of this bond is such that if, after payment has been made to the claimant(s), the claimant(s) or the said sureties shall in the event of a claim being made by any other person against the Government with respect to the aforesaid sum of Rs. refund to the Government the sum of Rs. and shall otherwise indemnify and save the Government harmless from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto.

THEN the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue

IN WITNESS to the above written bond and the condition thereof we and and have hereunto set our hands this day of 19 .

(*a*) Full name(s) of claimant'(s) with place(s) of residence.

(*b*) Full name of the surety.

(*c*) Full name of the subscriber.

(*d*) Full name of the nominee.

APPENDIX 'H.'

[*See* Rule 31 (3)]

FORM OF APPLICATION FOR FINAL PAYMENT OF GENERAL PROVIDENT FUND

1. Name of the subscriber (in full and with initials—Block letters).

   (This should be compared with the latest Account Slip received from the Account Officer).

2. Designation and Office to which attached at the time of Retirement, Resignation, Discharge, Death or Leave Preparatory to Retirement

   If he had served under more than one officer, the particulars of the same should be furnished

   In the case of Government servants of Police Department, if there is any change in the P.C. No., H.C. No., S.I. No., etc , the reasons for the same should be stated

3. Name of the Fund and Account number

   The Account No as verified from the Account Slips sent by the Accountant-General's Office should be stated.

4. Residence and Address on Retirement, etc. .. ..

   The address obtained from the subscriber should invariably be given.

5. Particulars of event necessitating the closure of Account .

   (The actual time, whether Forenoon or After-noon should be indicated).

   (*a*) *In case of Retirement:*

   Date of Retirement ..

   (*b*) *In case of Resignation:*

   Date of Resignation and date of its acceptance ..

   (*c*) If the subscriber was struck off as a deserter, the date on which and the circumstances in which he was removed ..

   (*d*) *In case of Discharge:*

   Date of dismissal or removal or discharge amounting to dismissal and reasons thereof ..

(i) Whether the subscriber has preferred an appeal against such dismissal or removal and if so, the date of final orders on the first appeal or the date on which he states in writing that he has withdrawn the appeal, whichever is earlier . .

(ii) If he has not preferred such an appeal, the date of expiry of the appeal time. If, however, the subscriber gives in writing before the expiry of the time allowed for appeal that he does not propose to prefer an appeal, the date of the letter in which the subscriber has stated so in writing . .

(e) *In the case of leave preparatory to retirement:*

(i) the date of commencement of leave; . .

(ii) the kind and period of leave; and . .

(iii) the date of application by the subscriber for payment of the General Provident Fund amount . .
(This should invariably be given).

(f) *In the case of Death:*

(i) Date of death . .

(ii) Religion of the subscriber . .

(iii) Names of nominees (if known alive on that date). . .

(iv) Particulars of event, if any, rendering the declared nomination null and void, such as:—

(a) Marriage in the case of subscribers who furnished his nomination while a bachelor . .

(*b*) re-marriage of a subscriber between the date of his nomination declared prior to 1st April 1935 and 1st April 1935, etc

(x) List of family members (their names, ages and sex etc,) as defined in Rule 30 (1) (*b*) of G P F. Rules, Rule 25 (1) (*b*) of C P P F (Andhra) Rules, and Rule 23 (*b*) of the C P P F Rules, who are entitled to a share in the fund balance together with their applications in original. The age on the date of death of the subscriber should be furnished. ..

6 Amount of the Last Fund deduction with the number and date of the Treasury Voucher or the Number of the Bill with date of its encashment from which it was deducted ..
(Gross and net amounts and the Head of the Office by whom the bill was drawn may also be stated).

7 Treasury at which payment is desired..
If the Treasury is outside the jurisdiction of the Head of the office, the designation of the Head of the office, through which payment is to be arranged should be stated.

8. Details of Temporary Advances and Withdrawals (including Final Withdrawals for House Building, Higher Education and Marriage of Daughters) sanctioned during the twelve months prior to the date of event necessitating closure of the Account (vide para 5) .

9 Certificates in the following forms should also be furnished—

(i) Certified that no advance or withdrawal from the C P.F./C P.P.F./ General Provident Fund was granted to the subscriber during the twelve months prior to the event necessitating the closure of the account except those mentioned against para 8 above.

NOTE.—This certificate should be furnished by the authority empowered to sanction advances for which special reasons are not required.

(ii) Certified that no amount was withdrawn from the General Provident Fund for payment of Life Insurance Premia during the twelve months prior to the event necessitating the closure of the account excepting those mentioned against para 8 above .

10. Insurance Policies ..

Details on the following points should be furnished.

Details of Insurance Policies which were financed from the Fund, such as Policy No., amount assured, name of the Company, date of maturity and Stock Register No., allotted by this office.

11. In case of a subscriber to C.P.F. and C.P.P.F. .

(*a*) Certificate as to whether any amount is withheld from the contribution portion of the subscriber's account under the rules, should be furnished.

(*b*) Whether gross pay statements for all years have been sent to the audit office should be stated.

(*c*) Whether the subscriber has opted to Pension Scheme before the time limit allowed by the Government and if not a certificate to that effect may be furnished.

Dated signature of the Head of Office.

Dated Signature of the Sanctioning Authority under Rule of Provident Fund Rules (Authority competent to grant temporary advances and withdrawals.)

APPENDIX 9.

[*See* Articles 934 and 966.]

LIST OF COLONIAL TREASURERS, COMMAND PAYMASTERS AND OTHER IMPERIAL AGENTS IN THE COLONIES.

Dominion, Colony or Protectorate, etc.	Designation of Paying Officer.
Bahamas	Receiver-General, Nassau.
Barbados (and all other West Indian Islands except Jamaica). . ..	Colonial Treasurer, Barbados.
Bermuda	Command Paymaster, Army Pay Office, Bermuda.
British Guianda	Colonial Secretary, Georgetown.
British Honduras ..	Treasurer, Belize.
Cyprus	Colonial Treasurer, Nicosia.
Egypt	Command Paymaster, Army Pay Office, Cairo.
Falkland Islands ..	Treasurer, Stanley.
Fiji	Colonial Treasurer, Suva.
Gambia	Treasurer, Bathurst.
Gibraltar	Command Paymaster, Army Pay Office, Gibraltar.
Gold Coast	Treasurer, Accra.
Jamaica . .	Command Paymaster, Army Pay Office, Jamaica.
Kenya .. .	Treasurer, Nairobi.
Malta . ..	Command Paymaster, Army Pay Office, Mauritius, or Colonial Secretary, Port Louis.
The Seychelles Islands ..	The Treasurer, Seychelles Islands.
New South Wales ..	Deputy Commissioner of Pensions, Department of Social Service, Sydney.

Dominion, Colony or Protectorate, etc.	Designation of Paying Officer.
New Zealand ..	. Commissioner of Pensions, Wellington.
Nigeria ..	.. Treasurer, Lagos.
Northern Rhodesia	.. Treasurer, Livingstone.
Nyasaland	.. Treasurer, Nyasaland Protectorate, Zomba.
Queensland ..	.. Deputy Commissioner of Pensions, Department of Social Service, Brisbane.
St. Helena ..	.. Colonial Treasurer, St. Helena.
Sierra Leone ..	.. Command Paymaster, Army Pay Office, Sierra Leone.
Somaliland ..	.. Treasurer, Somaliland Protectorate, Berbera.
South Australia ..	.. Deputy Commissioner of Pensions, Department of Social Service, Adelaide.
South Rhodesia	.. Treasurer, Salisbury.
Tanganyika ..	.. Treasurer, Dar-es-Salaam.
Tasmania ..	.. Deputy Commissioner of Pensions, Department of Social Service, Hobart.
Uganda ..	.. Treasurer, Entebbe.
Union of South Africa	.. Secretary for Finance, the Treasury, Pretoria.
Victoria ..	.. Deputy Commissioner of Pensions, Department of Social Service, Melbourne.
Western Australia	.. Deputy Commissioner of Pensions, Department of Social Service, Perth.

NOTE.—An officer residing in Canada or Newfoundland takes payment from the Home Treasury, remittance being effected, under arrangements made by the India Office, through the Bank of Montreal.

APPENDIX 10.

EXTRACTS OF RULES 233 TO 315 OF THE HYDERABAD CIVIL SERVICES RULES MANUAL VOLUME I

Pension Rules of the Ex-Hyderabad Government

SECTION I—EXTENT OF APPLICATION

233. The Rules in this chapter shall apply to all members of services and holders of posts whose conditions of service the Government of Hyderabad are competent to prescribe; provided that the pensions of those Government servants who were recruited on or after 1st June, 1951, or who having been in service on 31st May, 1951, have under the provisions of paragraph (1) of Government of Hyderabad Finance Department Circular No. 40, dated the 30th May, 1951, exercised the option and joined the Revised Pension Rules 1951, shall be governed by those Rules in respect of matters for which provision is made therein.

It is open to the Government in Finance Department to rule that the service of any class of officers does not qualify for pension

NOTE.—The revised Pension Rules are given in Appendix XIII.

SECTION II—GENERAL CONDITIONS OF GRANT OF PENSIONS.

234. The amount of pension or gratuity that may be granted is determined by the length of service as set forth in Rules 261 to 271. In the calculation of any pension or gratuity admissible to a Government servant the complete years and months of service are taken into account, but not the fraction of the month.

235. The full pension admissible under the rules is not to be given as a matter of course, unless the service rendered has been satisfactory.

236. If the service has not been thoroughly satisfactory the authority sanctioning the pensions should make such reduction in the amount as it thinks proper.

237. A Government servant entitled to a pension cannot obtain gratuity instead of a pension.

238. Future good conduct is an implied condition of every grant of pension. The Government reserve to themselves the right of withholding or withdrawing a pension or any part of it, for a specified time or for ever if the pensioner be convicted of serious crime or found guilty of grave misconduct.

239. Government reserve to themselves the right to order the recovery from the pension of a Government servant of any amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such Government servant during his service.

Provided that—

(1) such departmental proceedings, if not instituted while the Government servant was on duty—

(i) shall not be instituted save with sanction of Government;

(ii) shall be instituted before the Government servant's retirement from service or within a year from the date on which he was last on duty whichever is later;

(iii) shall be in respect of an event which took place not more than one year before the date on which the Government servant was last on duty; and

(iv) shall be conducted by such authority and in such places whether in India or elsewhere, as Government may direct.

(2) all such departmental proceedings shall be conducted if the Government servant concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(3) such judicial proceedings, if not instituted while the Government servant was on duty, shall have been instituted in accordance with sub-clause (ii) and (iii) of clause (1).

NOTE.—(1) As soon as proceedings of the nature referred to in this Rule are instituted, the authority which institutes such proceedings should without delay intimate the fact to the Audit Officer concerned.

NOTE.—(2) The amount of pension withheld under this Rule should not ordinarily exceed one-third of the pension originally sanctioned including any amount which may have been commuted. In fixing the amount of pension to be so withheld, regard should be had to the consideration whether the amount of pension left to the pensioner in any case would be adequate for his maintenance.

240. In the following cases no claim to pension is admitted.

(*a*) When a person is employed by payment of wages whether daily or monthly, a month's notice of discharge should be given to him, and his wages must be paid for any period by which such notice falls short of a month.

(*b*) When a person's whole time is not retained for the public service.

(*c*) When a Government servant holds a post, service in which counts for pension, he is not entitled to any pension in respect of the kind mentioned in clause (*b*) or in respect of duties paid for by a local allowance.

241. Pension may not be granted to a Government servant whom it is desired to remove for misconduct or inefficiency or insolvency.

Exception.—In deserving cases, however, Government in the Finance Department may grant a compassionate allowance not exceeding the pension admissible if the Government servant had retired on a Medical Certificate.

242. It being the duty of every Government servant to provide for his family, Government recognize no claim by the relatives of any deceased Government servant or gratuity to them on account of the services of the deceased. For the benefit of the relatives of Government servants dying prematurely Government have started the Insurance Fund. The Government, therefore, think themselves quite justified now in declining to consider applications of relatives of deceased Government

servants who were subscribers to the Insurance Fund Any compassionate allowances or gratuities as may have been conferred in the past or may be conferred in the future must be regarded as mere acts of grace, forming no precedent.

NOTE —The rules for grant of pension to survivors are given in Appendix XIV

243. A Government servant cannot earn two pensions in respect of service in the same post or in respect of continuous service in two posts

244. Two Government servants may not simultaneously count service in respect of the same post except in the case covered by Rule 257

245. If a person has served partly in the Military Department and partly in the Civil Department, he will be eligible for pension in respect of the total period of his service in accordance with the rules of the Department in which he served at the time of his retirement. In case the pension is granted from the Civil Department, the period of service in the Military Department, during which the pay of the person did not exceed Rs 25 per mensem will, for the purposes of pension, count as inferior service.

NOTE.—For the purpose of this rule service in Military Department means such service rendered before the date of federal financial integration.

246. Except for compensation pension a Government servant's service does not, in the case of superior service, qualify till he has completed 20 years of age.

247. In the case of inferior service, service counts after the age of 16 years; but for compensation pension it counts from the date of appointment.

NOTE.—For persons recruited after 31st May 1951, see Rule 5 of Appendix XIII.

248. Subject to the provisions contained in the succeeding Rules the service of a Government servant does not qualify for pension unless it conforms to the following two conditions:—

First.—The service must be under Government and must be paid by Government from the Government revenues and not from the proceeds of any funds, institution, estate or administration.

Second.—The employment must be temporary or substantive.

Exception.—Employees of the Dairatulmaarif Press are eligible for pension under these rules, though their service is paid from Government grant-in-aid.

SECTION III.—NON-QUALIFYING SERVICE.

249. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify for a pension.

250. Service remunerated by fee or commission does not count for pension.

NOTE.—A Government servant who in addition to his salary from the Government revenues, receives an allowance from fees, cannot count the allowance towards pension.

251. An incumbent who is not a whole-time servant, or is paid by daily wages or under piece work system, is not eligible for a pension

252. Service as an apprentice does not qualify for pension.

SECTION IV.—QUALIFYING SERVICE.

253. The service of a probationer who holds an appointment under Government and draws pay qualifies. So does that of a Government servant who is on probation for a post if he is employed in a vacancy reserved for him, pending probation, and in which no other Government servant simultaneously serves.

NOTE.—(1) Sekhners of the Settlement Department will count their period for pension.

NOTE.—(2) Probationer Tahsildars, probationer Munsiffs and probationers of the Agriculture Department will count their period for pension.

254. Hyderabad Administrative Service probationary officers deputed for training, after passing the final Administrative Service Examination are entitled to count their period of training for pension. Honorary Magistrates of the Judicial Department appointed under competent authority may count half the period of their duty, subject to the maximum limit of 3 years provided they have exercised judicial powers during this period.

255. If a Government servant in the permanent service of Government is deputed on temporary duty the period of deputation shall count for pension.

NOTE.—See Instructions below Note 2 in Rule 299.

SECTION V.—SERVICE QUALIFYING UNDER SPECIAL CONDITIONS

256. Service rendered to a Jagirdar and continued under Government on the lapse or annexation of the Jagir, may count for pension if the Government in the Finance Department so permit

257. Service, in an officiating appointment, renderd by Government servant holding no substantive and permanent appointment, shall count for pension, provided the Government servant holding an officiating appointment is confirmed at the end of the period during which he was acting or is appointed substantively to a permanent post on the termination of his officiating appointment without break in service.

258. If the appointment held by a Government servant is abolished, the period during which he remains unemployed or temporarily employed in some other appointment will count for pension as follows:—

(a) If his emoluments are equivalent to or more than what he was drawing in the appointment which is abolished, the whole period during which he drew such emoluments may be counted.

(b) If he received only part of the pay of the appointment abolished the period to be counted will bear the same proportion to the whole period under such unemployment or temporary employment as the part of pay drawn bears to the full pay of the appointment which is abolished.

259. Service which is rendered partly in the Sarf-i-Khas and partly under Government counts for pension

260. The whole of the Police Service which is rendered partly in Paigah and partly under Government counts for pension.

SECTION VI —SERVICE PARTLY INFERIOR AND PARTLY SUPERIOR.

261. A Government servant whose service has been for some time inferior and for some time superior may either count—

(*a*) the whole as inferior towards pension or gratuity on the inferior scale, or

(*b*) half the inferior service in addition to the superior service towards pension on the superior scale provided he has sufficient superior service to entitle him by itself to pension (not gratuity); or,

(*c*) the superior portion towards pension or gratuity on the superior scale, and the inferior portion towards pension or gratuity on the inferior scale.

NOTE —The total gratuity or gratuity plus pension granted under clause (*c*) shall not exceed what would have been admissible if the whole service had been superior.

262. The calculation of amount of gratuity or pension due under the preceding rule will be based respectively on the salary or average salary drawn immediately before retirement except in cases coming under clause (*c*), in which, the last drawn salary or average salary of each kind of service will determine the gratuity or pension due for that particular kind of service.

263 Except when Government in the Department specifically extend to him the concessions contained in rules 261 and 262 a Government servant who has been reduced from the superior to the inferior service will count his whole service for pension in the inferior scale only.

264 If a Government servant holds two or more appointments, each of which is inferior by reason of its salary not exceeding Rs. 40 he cannot count his service as superior on the ground that his aggregate salary exceeds Rs. 40.

SECTION VII—PERIODS OF LEAVE AND SUSPENSION

Superior Service.

265. In the case of superior service the period spent on leave with allowances will count for pension in the same proportion as allowances drawn during leave bear to the pay of the post on which the absentee had a lien Time spent on leave without allowances will not count for pension.

Inferior Service.

266 In the case of inferior service the whole of the period spent on leave with or without allowances counts for pension provided the aggregate period does not exceed that which might be given with allowances to a Government servant in the superior service during his whole service.

Suspension.

267. If a Government servant who has been suspended, pending enquiry into any charge against him, is subsequently reinstated and paid the full salary for the period during which he was under suspension, such period shall count for pension, otherwise not, unless the authority who reinstates the Government servant expressly declares at the time of reinstating him that notwithstanding forfeiture of a part of his salary his service during the period of suspension or part thereof (to be specified) shall count for pension.

SECTION VIII—RESIGNATION AND DISMISSAL.

268. Resignation of public service, or removal from it, for misconduct or inefficiency, which is not attributed to age or failure to pass a prescribed examination entails forfeiture of past service.

269. Any authority which, on revision or appeal, reverses an order dismissing a Government servant may declare that his past service shall count.

SECTION IX—INTERRUPTIONS.

270. An interruption in the service of a Government servant entails forfeiture of his past service except in the following case:—

(*a*) Authorised leave of absence.

(*b*) Unauthorised absence, retrospectively converted into leave of any kind under Rule 389.

(*c*) Suspension immediately followed by reinstatement, which need not be in the same post.

(*d*) Abolition of post or loss of appointment owing to reduction of establishment.

(*e*) Time occupied in transit from one appointment to another, provided the Government servant is transferred under the orders of competent authority.

Condonations of Interruptions and Deficiencies

271. In cases where it is competent to sanction pension on its own authority, the Government in the Finance Department may condone interruptions in service not exceeding two years and any deficiencies in the period of service not exceeding six months.

NOTE.—(1) The Government in the Department may condone interruptions in service of less than six months and any deficiencies in service of less than one month of a Government servant whose average pay does not exceed Rs. 100 per mensem

NOTE.—(2) This rule will also apply to condonation of interruption in service occurring between temporary appointments or between temporary and permanent appointments

SECTION X—CLASSIFICATION OF PENSION.

272. Pension will be divided into four classes:—

1. Compensation Pension.
2. Invalid Pension.
3. Superannuation Pension.
4. Retiring Pension.

SECTION XI—SPECIAL CONDITIONS OF GRANT OF PENSIONS

273. If a Government servant is selected for discharge, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him to be at least equal to those of his own, have the option—

(a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or

(b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service of pension.

274. The selection of the Government servants to be discharged upon the reduction of an establishment should *prima facie* be so made that the least charge for compensation pension will be incurred.

275. No pension is admissible to a Government servant for the loss of an appointment on discharge after the completion of a specified term of service.

NOTE.—A temporary Government servant to whom Rule 248 applies is entitled to pension or gratuity under these rules.

Notice of discharge.

276. Reasonable notice should be given to a Government servant in permanent employ before his services are dispensed with on the abolition of his post ; if in any case, notice of at least three months is not given, and the Government servant has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with his services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Rule 299 but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

NOTE.—(1) The gratuity prescribed in this rule is not granted as compensation for loss of employment but only in lieu of notice of discharge, with a view to mitigate the hardship caused to a Government servant by the sudden loss of employment. When, therefore, a Government servant discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

NOTE.—(2) Unless it contains an express statement to the contrary, an order for the abolition of a post shall not be brought into operation till the expiry of three months after notice has been given to the person whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving such notice. In the case of a Government servant on leave, the order shall not be brought into operation until the leave expires.

277. A Government servant discharged with a compensation pension may not, without surrendering his pension, refuse to accept any appointment which the Government thinks fit, within six months from the date of his discharge, to offer to him. The pay of such new appointment must not, however, be less than enough to raise his total emoluments, under the operation of Rule 306 to the amount which he received

as substantive pay immediately before his discharge nor should the new appointment be such as the Government servant cannot reasonably and equitably be expected to accept.

Acceptance of New Appointment.

278. If a Government servant who is entitled to compensation pension accepts instead another appointment in the Public Service, and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than what he could have claimed if he had not accepted the appointment

Invalid Pension.

279. An invalid pension is awarded, on his retirement from the public service, to a Government servant who, by bodily or mental infirmity, is permanently incapacitated for the public service, or for the particular branch of it to which he belongs

280. If a Government servant applying for an invalid pension is 55 years old, or upwards, no certificate by a Medical Officer is necessary; it suffices for the Head of the office, or his superior officer if he is himself the Head of the office, to certify to the incapacity of the applicant. Otherwise incapacity for service must be established by a Medical Certificate required by the succeeding rules

281. The form of the certificate to be given is as follows:—

> "Certified that I have carefully examined A.B. son of C D. a..........in the. ....His age is by his own statement. .... years and by appearance about ....years. I consider A.B. to be completely and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of (here state disease or cause). His incapacity does not appear to me to have been caused by irregular or intemperate habits."

NOTE.—If the incapacity is obviously the result of intemperance *substitute* for the last sentence, "In my opinion, his incapacity is the result of irregular or intemperate habits."

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:—

> "I am of opinion that A.B. is fit for further service of a less laborious character than that which he has been doing (or may, after resting for..... . months, be fit for further service of a less laborious character than that which he has been doing)."

282. In the case of a non-gazetted Government servant the Medical Certificate should be signed by the Civil Surgeon of the district or locality in which he is either serving or residing owing to illness at the time of applying for invalid pension. In the case of a gazetted officer the certificate should be obtained from a Medical Board appointed by the Government.

(*a*) The object of the alternative certificate of incapacity is that a Government servant should, if possible be employed even on lower pay so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension, but it should be considered whether, in view of the capacity for partially earning a living, it is necessary to grant to him the full pension admissible under the rules.

(*b*) If in the medical opinion the Government servant is fit for further service of a less laborious character after resting for a certain period then leave due with or without allowances may be granted to such Government servant. If he is not entitled to leave of any kind he may be admitted to pension

(*c*) If the examining Medical Officer, although unable to discover any specific disease in the Government servant considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and if possible, a second medical opinion should always be obtained in such a case.

(*d*) A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of a Government servant whose recorded age is less than fifty-five years, but a Medical Officer is at liberty, when certifying that the Government servant is incapacitated for further service by general debility, to state his reason for believing the age to be understated

NOTE —The following officers exercise the power of a Civil Surgeon:—

(1) Police Surgeon in respect of members of City and Railway Police in Hyderabad and Secunderabad.

(2) Superintendent of a Mental Hospital in respect of Government servants who are suffering from mental disease.

(3) Superintendent Victoria Zenana Hospital in respect of female Government servants in Hyderabad and Secunderabad

283. If a Government servant staying outside the Hyderabad State applies for an invalid pension, the authority competent to sanction the pension may, accept a certificate granted by Civil Surgeon of the place where he is residing or of a commissioned Medical Officer of the Indian Army provided it is in the form, prescribed in Rule 281. In the case of a Gazetted Officer, a similar certificate may be accepted by the competent authority, if it is not possible to convene a Medical Board for the reason that the officer is staying outside the Hyderabad State and that it would be inconvenient for the Government servant to appear before the Board on account of his ill health.

284. The authority competent to sanction the pension may either accept the certificate mentioned in Rule 281 or direct the applicant to appear before the Medical Board, appointed under the preceding rule.

285. A Government servant discharged from Government service on grounds other than grounds of infirmity is not eligible for an invalid pension, although he may be able to produce medical evidence of incapacity for Government service.

286. If the incapacity is directly due to irregular or intemperate habits no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority competent to sanction the pension to decide what reduction should be made on this account

287. A Government servant who has submitted a medical certificate of incapacity for further service must not (except for special reason to be reported to the Government in the Department) be retained in active service pending a decision on his application for pension; nor can he obtain, leave of absence without the further special sanction of the Government in the Department Service after the end of the month in which the Medical Certificate is submitted does not count for pension.

288. An inferior Government servant, who, in the opinion of the Head of his Office, is fit for light work may be retained in service till such time as his pension is sanctioned, provided that his post is not filled till he retires, and that his service will count only to the date of his medical certificate.

289. The retirement of a Government servant who is absent on leave other than privilege or earned leave, when such certificate is submitted may have effect from the termination of his leave, and the Government servant may continue to draw leave allowance to the end of his leave

SECTION XII—DIFFERENT KINDS OF PENSIONS.

(i) *Superannuation Pension*

290. A superannuation pension is granted to a Government servant entitled or compelled by rule to retire at a particular age.

291. A retiring pension shall be granted to a Government servant who retires voluntarily or is required by Government to retire, from Government service after completing a prescribed period of qualifying service before reaching the age of superannuation.

292. Government servants in superior service have the option of retiring after completing 25 years' qualifying service.

NOTE.—This rule applies to Government servants in superior service who having been in service on 31st May 1951, have opted for the old pension rules The Government servants in superior service who entered service on or after 1st June, 1951 or who having been in service on 31st May 1951, elected to come under the Revised Pension Rules, 1951, and all Government servants in inferior service, will have the option to retire only after completing 30 years qualifying service in accordance with sub-rule (*ii*) of Rule 1 of the Revised Pension Rules, 1951.

293. A Government servant cannot be given retiring pension against his will unless the Government in Finance Department so approve In ordering retirement on completion of 25 years of qualifying service under these rules or of 30 years qualifying service in the case of pensioners coming under the Revised Pension Rules, 1951, Government will not be bound to give reasons for retirement.

NOTE.—Government retain an absolute right to retire a Government servant after he has completed 25 years' or 30 years' qualifying service, as the case may be, according to the Pension Rules applicable to him, without giving reasons and no claims to special compensation on this account will be entertained.

(ii) Wound and Injury Pension

294 A wound or injury pension or gratuity may be granted to a Government servant wounded or injured while in Government service. Such gratuity or pension will be in addition to the gratuity or pension admissible under these rules

NOTE.—The rules prescribing the conditions for grant of wound and extraordinary pensions are contained in Appendix XV to these Rules

(iii) Compassionate Pension

295. The rules regulating the grant of compassionate pension to the family of a Government servant kept in indigent circumstances through the premature death of the Government servant are contained in Appendix XIV.

SECTION XIII.—AMOUNT OF PENSION OR GRATUITY

296 A pension should be calculated to the nearest anna, that is, where the exact amount works out to six pies or more it should be taken to the next higher anna ; amounts below six pies being disregarded.

297. The term 'Salary' used in this section means the emoluments which the Government servant was receiving immediately before his retirement and includes—

(*a*) Pay ;

(*b*) Personal allowance continues to reckon as part of 'Emoluments' even when it is wholly or partly absorbed in acting allowance not so reckoning ;

(*c*) Acting Allowance.

(*d*) Deputation allowances.

(*e*) Special pay.

(*f*) Head Masters allowance in the Education Department.

(*g*) Good conduct allowance for armed constables of City Police.

NOTE.—Charge allowance which has been referred to as special pay under these rules (*vide* Chapter VI) is not included in the emoluments which count for pension.

298. The term 'Average Emoluments' means the average calculated upon the last three years of service, provided that—

(1) If during the last three years of his service, a Government servant has been absent from duty on leave with allowance, or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended, provided always (a) that his pension must be increased on account of increase in pay not actually drawn and (*b*) that an officer will not during leave be allowed to count as emoluments the acting allowances which he would have been entitled to so count under Rule 297 (*c*) had he remained on duty, if another officer has been appointed acting in the same appointment during the period of such leave.

(2) If during the last three years of his service, a Government servant has been absent from duty on leave without allowances (not counting for pension) or in inferior service, or suspended under such

circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the three years being included

(3) Excepting as provided in Sub-rule (1) & (2) only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of any pay but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculation

299 The pension and gratuity for superior service is regulated as follows —

(a) For qualifying service of less than 10 years one month's salary for each completed year of service will be granted as gratuity, the calculation of gratuity being based on the last salary drawn at the time of retirement

(b) After qualifying service of 10 years or more, the amount of the pension will be calculated according to the following rule, the average salary should be multiplied by the period of qualifying service, and the product divided by 60, the result will be the amount of pension admissible The maximum pension ordinarily admissible will be Rs 1,000 a month. In applying the above rule qualifying service of 25 years or above, whatever its length may be, will be treated as 30 years service.

Illustration—If the average salary is Rs. 1,000 and the period of qualifying service is (1) 35 (2) 26 and (3) 20 years, the amount of pension admissible will be respectively —

		Rs.	a.	p.
1. $\frac{30 \times 1000}{60}$	.. .	500	0	0
2. $\frac{30 \times 1000}{60}$	.. ..	500	0	0
3. $\frac{20 \times 1000}{60}$		333	5	0

NOTE.—(1) In counting the period of service qualifying for pension, fractions of a year less than a complete month will be omitted.

NOTE.—(2) Legal practitioners recruited as Judicial Officers before 1st January 1953 are entitled to count for pension the period spent by them in actual legal practice if appointed as High Court Judges not exceeding 12 years, as Divisional Judges 8 years, District Judges and Munsiffs 5 years. The concession will not be admissible in case actual qualifying service is 5 years or less. Legal practitioners recruited from 1st January, 1953, are allowed a special addition to their pensionable service of actual legal practice subject to the maxima of 5 and 3 years respectively in the case of District and Sessions Judges and Munsiffs, provided that they are eligible for superannuation pension and have rendered minimum qualifying service of 5 and 10 years respectively

Instruction.—The salary for the purpose of the preceding Rule will not include deputation allowance given to a permanent incumbent for holding temporarily another appointment.

NOTE.—When deputation allowance is not specified it will be assumed to mean the difference between the pay of the substantive appointment on which the incumbent has a lien and the pay of the temporary appointment.

SECTION XIV—RE-EMPLOYMENT OF PENSIONERS.

Sub-Section (i) General.

300 No Government servant may retire with the object of being re-employed in Government service and drawing pension in addition to pay

NOTE —See Rule 327.

301 A Government servant who having been discharged on a pension is subsequently re-employed, may not count his new service for a separate pension A pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service

302 When a person, who was formerly in the Civil or Military employment of the Government of India, obtains re-employment, whether temporarily or permanently, in Government service or in the service of a local fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pension or pay as required by the rules in this section and shall communicate a copy of the order to the Audit Officer

NOTE —The principle of this rule applies in the case of continued employment on retirement from Government service The amount of the pension to be declared is that sanctioned originally, *i.e*, it shall be inclusive of any amount that may have been commuted.

303. The attention of every person who is re-employed should be specially called to the provision of this Section by the authority re-employing him and whenever he becomes aware of such an appointment, by the Audit Officer; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the rules in this section.

304. Notwithstanding anything contained in the Rules in this Section, a wound or injury pension sanctioned under Rule 294 and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

NOTE.—Where the military pension is consolidated and disability elements are not explicitly differentiated, the total pension may be split up in the following manner The service portion of the pension will be represented by the service pension which has been earned by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 8 annas and over shall be taken as a whole rupee, amount of less than 8 annas being ignored. The disability portion of the pension will be the balance.

Sub-Section (ii) Compensation Pension

305. A Government servant who has obtained a compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the Government servant's salary and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given The right to count previous service does not revive till the whole amount is refunded

306. (*a*) A Government servant who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is a Government servant can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of the pension has been fixed in conformity with the above condition the Government servant shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a future corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment for bonafide temporary duty lasting for not more than a year, the Government or in cases where the pension does not exceed Rs. 10 a month, the officer who controls the establishment on which the pensioner is to be employed may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge

NOTE.—(1) This rule applies to the re-employment on all establishments paid from the General Revenues. whether paid by his fixed salary or by fluctuating monthly allowances; but it does not apply to pensioners employed on work as mazdoors and paid for daily hire.

NOTE.—(2) The Government may permit a Government servant who has obtained a compensation pension and afterwards re-employed in a permanent or temporary appointment duly sanctioned by competent authority to draw his full pension in addition to the pay and allowances of the appointment irrespective of the period of such re-employment.

NOTE —(3) The Government may delegate its power under this Rule to Heads of Departments in respect of pensioners whose re-employment they are authorised to order.

NOTE —(4) The restriction in the rule does not apply to ex-policemen whose pension does not exceed Rs 10 a month

(*b*) If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated) in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

NOTE —A Government servant counts his previous service under clause (*b*) if on re-employment his pension remains, wholly in abeyance under the proviso to clause (*a*).

307 If a Government servant does not, within three months from the date of his re-employment exercise the option conceded by Rule 306 of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of Government

308. There is no bar to the re-employment of a Government servant who has regained health after obtaining invalid pension, or if a Government servant is invalided as being incapacitated for employment in particular branch of the service, to his re-employment in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pension and counting service, are the same as in the case of re-employment after compensation pension.

Sub-Section (iii)—Superannuation and Retiring Pension.

309 A person who is in receipt of a superannuation or retiring pension, shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except on public grounds and in a purely temporary capacity.

NOTE —The service after re-employment in such cases is not pensionable

310. The authority competent to fix the pay and allowances of the post in which the pensioner is re-employed shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him ; provided that an authority may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re-employment or continued employment is for bonafide temporary duty lasting for not more than a year or the pension does not exceed Rs. 10 a month.

311. In the case of Government servants who retire under the Revised Pension Rules, 1951, for the purpose of determining their pay on re-employment, the pension equivalent of the gratuity which is or is to be received on retirement by them under the rules should be taken into account The monthly value of the lumpsum gratuity is to be reckoned by applying the current Table of Commutation of pensions, the age of the pensioner for this purpose being taken as the age at next birthday after retirement from Government service.

312 Rules 309 and 310 are applicable only when Government service previous to re-employment has been under the Government of Hyderabad

313 (*a*) When a pensioner formerly in Military service obtains employment in the Civil Department after having been granted a military pension, he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed may, in fixing his pay and allowances in the post in which he is re-employed, take into account the amount of pension, including such portion of it as may have been commuted. His pension for service in the Civil Department will not be affected by his military pension.

NOTE.—If the military pension of a person does not exceed Rs. 10 a month it shall not be taken into account in fixing his pay and allowances in the Civil Department.

313-A If an Officer who has obtained compensation or invalid pension is re-employed in pensionable service and retains the pension (as per rule 306), the pension or gratuity admissible for the subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of the Pension shall not be greater than the difference between the value of the Pension that would be admissible at the time of the Officer's final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

Illustration —'A' who had retired at the age of 40 after 18 years service on a compensation pension of Rs. 90 (his salary having been Rs. 300 was re-employed after six years in an appointment of Rs. 200 continuing to draw his pension and finally retired at the age of fifty-five. For the second period of service the gratuity ordinarily admissible would be Rs. 1,800. But, if the two periods were combined, the pension admissible would be Rs 100. The difference between the value of this pension and the pension previously granted at the age of forty is, as per the table of commutation values, Rs. 1,122 The gratuity must therefore be reduced to Rs. 1,122.

313-B. (*a*) If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded

(*b*) If the amount of such gratuity or the present value of such pension, *plus* the amount of the previous gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

(G O. Ms. No. 948, Fin, dated 25th September, 1957.)

SECTION XV—RULES REGARDING RE-EMPLOYMENT OF GOVERNMENT PENSIONERS IN COMMERCIAL EMPLOYMENT AND UNDER A FOREIGN GOVERNMENT.

Sub-Section (1)—Commercial employment.

314. (*a*) If a pensioner to whom this Rule applies wishes to accept any commercial employment before the expiry of two years from the date of his retirement, he should obtain the previous sanction of Government to such acceptance. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as Government may direct

Provided that a Government servant permitted by the appropriate authority to take up a particular employment during his leave preparatory

to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

NOTE.—The period of two years for the purpose of this Rule shall, in the case of a Government servant to whom it applies and who is re-employed after retirement without a break in the same or another post falling in any of the categories mentioned in clause (b) below, be reckoned only from the date on which he finally quits Government service

(b) This rule shall apply to every pensioner who immediately before retirement, was a member of a Hyderabad State Service, Class I—Senior Scale, or the Hyderabad Sales Tax Service and to every other pensioner who immediattely before retirement held a Gazetted post, carrying a maximum pay exceeding Rs. 700 p.m but shall not apply in relation to any commercial employment accepted by such pensioner before 17th November 1951.

(c) In this Rule 'Commercial employment' means employment in any capacity including that of an agent under a company, firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and a partnership of such firm.

NOTE —A pensioner to whon this rule applies should furnish a certificate in the following form before drawing the monthly pension, for a period of two years from the date of retirement.

CERTIFICATE

I declare that I have $\frac{\text{not accepted any commercial employment}}{\text{accepted commercial employment}}$ after obtaining the previous sanction of the Government of Hyderabad.

Sub-Section (ii)—Employment under a Government outside India after retirement.

315. (a) If a pensioner to whom this rule applies wishes to accept any employment under a government outside India he should obtain the previous sanction of Government to such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct.

Provided that a Government servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) This Rule shall apply to every pensioner who immediately before retirement was a member of Hyderabad State Service, Class I—Senior Scale, or the Hyderabad Sales Tax Service and to every other pensioner who immediately before retirement held a Gazetted post carrying a maximum pay exceeding Rs. 700 p.m. but shall not apply in relation to any employment referred to in clause (a) above accepted by such pensioner before 17th November 1951.

(*c*) For the purpose of this Rule 'employment under a Government outside India' shall include employment under a local authority or corporation or any other institution or organization which functions under the supervision or control of a Government outside India.

NOTE.—A pensioner to whom this Rule applies should furnish a certificate in the following form before drawing the monthly pension

CERTIFICATE

'I declare that I have not accepted any employment under any Government outside India.
accepted employment under a Government outside India after obtaining the previous sanction of the Government of Hyderabad.'

APPENDIX 11.

REVISED PENSION RULES, 1951 OF THE EX-HYDERABAD GOVERNMENT

NOTE.—The following rules are applicable to all Government servants in superior service (*i*) who have entered Government service on or after 1st June 1951 and (*ii*) who were in Government service on 31st May 1951, but have elected to be governed by these rules and to all Government servants in inferior service.

SECTION I—PENSION.

1. (*i*) The amount of superannuation, invalid and compensation gratuity and pension will be the appropriate amount set out in the Annexure.

(*ii*) An officer may retire from service any time after completing 30 years' qualifying service provided that he shall give in this behalf, a notice in writing to the appropriate authority, at least 3 months before the date on which he wishes to retire. Government may also require an officer to retire any time after he has completed 30 years' qualifying service provided that the appropriate authority shall give in this behalf, a notice in writing to the officer, at least three months before the date on which he is required to retire.

(*iii*) An officer who retires or is retired, only in the manner indicated in sub-paragraph (*ii*), may be granted a retiring pension not exceeding 30/80ths of average emoluments (average pay in the case of an officer belonging to Inferior Service) subject to a maximum of I.G. Rs. 6,750 per annum.

(*iv*) No additional or special additional pension will be granted.

SECTION II—DEATH-CUM-RETIREMENT GRATUITY.

2. (*i*) An officer who has completed five years' qualifying service may be granted an additional gratuity not exceeding the amount specified in sub-paragraph (*iii*), when he retires from service and is eligible for a gratuity or pension under Section I.

(*ii*) If an officer who has completed 5 years' qualifying service dies while in service a gratuity not exceeding the amount specified in sub-paragraph (*iii*) may be paid to the person or persons on whom the right to receive the gratuity is conferred or if there is no such person, it may be paid in the manner indicated below:—

(*a*) If there are one or more surviving members of the family as in items (*a*), (*b*), (*c*) and (*d*) of sub-rule (*i*) of rule 3, it may be paid to all such members, other than any such member who is a widowed daughter, in equal shares.

(*b*) If there are no such surviving members of the family as at (*a*) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (*e*), (*f*) and (*g*) of sub-rule (1) of rule 3, the gratuity may be paid to all such members in equal shares ".

(G.O. Ms. No. 509, Fin (Pension. I), dated 9th May 1958.)

(*ii-a*) In the case of a Government servant who has become eligible for gratuity on retirement but who dies before the gratutiy is actually paid, it shall be paid in the following manner, namely :—

(*i*) to the person or persons on whom the right to receive the gratuity is conferred under rule 3;

or

(*ii*) if there are no such persons in the manner indicated in sub-rule (ii) of rule 2.

(G O. Ms No. 509/Finance (Pension. I), dated 9th May 1958.)

(*iii*) The amount of gratuity will be nine-twentieths of the " emoluments " of an officer for each completed year of qualifying service subject to a maximum of 15 times the " emoluments ". In the event of death of an officer, while in service, the gratuity will be subject to a minimum of 12 times the " emoluments " of the officer at the time of his death.

(*iv*) If an officer who has become eligible for a pension or gratuity under Section I, dies after he has retired from service, and the sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub-paragraph (i) are less than an amount equal to 12 times his 'emoluments' a gratuity equal to the deficiency may be granted to the person or persons specified in sub-paragraph (*ii*). This benefit will not be admissible if the officer had commuted a portion of his pension before death.

(*a*) The residuary gratuity mentioned above is admissible only if the death of the Government servant takes place within five years from the date of his retirement.

(G.O. Ms. No. 509, Finance (Pension. I), dated 9th May 1958.)

(*b*) The 'emoluments' as defined below, for the purpose of this Section, will be subject to a maximum of I. G. Rs. 1,500 per mensem, provided that if the salary of an officer has been reduced during the last 3 years of his service, otherwise than as a penalty, 'average emoluments'

as defined below, may, at the discretion of the authority, which has power to sanction the gratuity under this section, be treated as the 'emoluments'. In the case of Inferior Servants, 'emoluments' will mean 'pay' as defined below, provided that, if in any case the pay was reduced during the last 3 years of service, otherwise than as a penalty 'average pay' as defined below may, at the discretion of the authority which has the power to sanction the gratuity, be treated as the 'emoluments'

NOTE.—(*i*) The term 'emolument' means the emoluments, which the officer was receiving immediately before his retirement and includes—

(*a*) Pay ;

(*b*) Personal allowance continues to reckon as part of 'emoluments' even when it is wholly or partly absorbed in acting allowance not so reckoning ;

(*c*) Fees or commission, if they are the authorised emoluments of an appointment, and are in addition to pay. In this case 'emoluments' means the average earnings for the last six months of service ;

(*d*) Allowance attached to a Professorship or Lecturership in a Government Institution ;

(*e*) Acting allowance of an officer without a substantive appointment if the acting service counts under Rule 257, of the H.C.S. Rs. and allowances drawn by an officer appointed substantively pro-tempore or in an officiating capacity under the rules in Chapter IV H.C.S. Rs. to an officer which is substantively vacant and on which no officer has a lien or to an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowance or on transfer to foreign service.

(*f*) Deputation (duty) allowances.

(*g*) Duty Allowances.

(*ii*) The term 'average emoluments' means the average calculated upon the last three years of service.

(*iii*) For the purpose of this rule 'pay' means the monthly substantive pay which the Government servant concerned drew or would have drawn in the permanent post held by him substantively at the time of his discharge or retirement (and a special pay granted in consideration of the unhealthiness of the locality in which the duty is performed, or of increased work or responsibility for the discharge of which there is no appointment separately sanctioned.)

(*iv*) For the purpose of this rule and the Schedule to these rules average pay means the monthly average pay which the Government servant concerned drew or would have drawn in the permanent post or posts held by him substantively during the last three years of service prior to discharge or retirement (and a special pay granted in consideration of the unhealthiness of the locality in which the duty is performed, or of increased work or responsibility for the discharge of which there is no appointment separately sanctioned.)

(*v*) The restrictions in Rules 313-A and 313-B of the Hyderabad Civil Service Rules will apply to the payment of death residuary gratuity in the case of re-employed Government Servant who had obtain-

ed invalid or compensation pension or gratuity in respect of earlier service and in whose case death residuary gratuity becomes payable in respect of re-employed service. In other words, if a re-employed Government servant dies while in service after completing five years' qualifying service, the amount of gratuity payable to his "family" under sub-rule (*iii*) of this rule shall be reduced by the amount of gratuity or pension actually drawn by him in respect of his first spell of service Similarly, if an officer dies after final retirement from service, the residuary gratuity, if any, due to him under sub-rule (*iv*) of this rule shall be reduced, where possible, by the total of gratuity/pension actually drawn for the first spell of service.

(G O. Ms. No 948, Fin. dated 25th September 1957.)

NOMINATIONS.

3. (1) 'Family' for the purposes of this paragraph will include the following relatives of the officer:—

(*a*) wife in the case of a male officer,

(*b*) husband, in the case of a female officer.

(*c*) sons,

(*d*) unmarried and widowed daughters,

(*e*) brothers below the age of 18 years and unmarried or widowed sisters,

(*f*) father, and

(*g*) mother.

NOTE.—(1) (*c*) and (*d*) will include step-children.

NOTE.—(2) An adopted son or an adopted daughter may be treated as son or daughter and be included in the definition of "family" when the Audit Officer, or, if any doubt arises in the mind of the Audit Officer, the Advocate General to the Government of Andhra Pradesh, is satisfied that under the personal law of the Government servant, adoption is legally recognised as conferring the status of a natural child, but not otherwise.

(G.O. Ms. No. 509. Fin (Pen. I), dated 9th May 1958.)

(2) An Officer shall, as soon as he completes five years qualifying service, make a nomination conferring on one or more persons the right to receive any gratuity that may be sanctioned under sub-rules (ii) and (iv) of rule 2 and any gratuity which having become admissible to him under sub-rule (1) of rule 2 and sub-rule (i) of rule 1 has not been paid to him before death.

(G.O. Ms. No. 509, Fin. (Pen. I), dated 9th May 1958.)

(3) If an officer nominates more than one person under sub-paragraph (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(4) An officer may provide in a nomination:

(*a*) in respect of any specific nominee, that in the event of his predeceasing the officer, the right conferred upon that nominee shall

pass to such other member of the officer's family as may be specified in the nomination

(*b*) that the nomination shall become invalid in the event of of the happening of a contingency, specified therein.

NOTE.—The nomination forms provide for only one alternative nominee and it is not open to a Government servant to nominate more than one alternative nominee against any original nominee.

(G O. Ms. No. 509, Fin. (Pen. I) dated 9th May 1958.)

" (4-A) A Government servant having no family as defined in clause (1) may nominate a body of persons, corporate or incorporate to receive the amount of death gratuity Similarly a Government servant having only one member of his family, in whose favour the original nomination has been made, may make the alternate nomination in favour of a person, who is not a member of his family".

(5) The nomination made by an officer who has no family shall become invalid on his subsequently acquiring a family.

(6) (*a*) Every nomination shall be in such one of the forms 'A' to 'D' (enclosed) as may be appropriate in the circumstances of the case.

(*b*) An officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority, provided that the officer shall, along with such notice, send a fresh nomination made in accordance with this paragraph.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-paragraph (4), or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (*b*) of that sub-paragraph or sub-paragraph (5) the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this paragraph.

(8) Every nomination made and every notice of cancellation given by an officer under this paragraph, shall be sent by the officer to his Accounts Officer in the case of a Gazetted Officer, and to the head of his office in the case of non-Gazetted Officer. Immediately on receipt of a nomination from a non-Gazetted Officer the head of the office shall countersign it indicating the date of receipt and keep it under his custody.

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-paragraph (8).

SECTION III.—FAMILY PENSION.

4. (1) A family pension not exceeding the amount specified in sub-paragraph (2) may be granted to the family of an officer in the event of his death after he has completed 25 years' qualifying service, for the following period:—

(*a*) In the event of death of the officer while in service the pension will be payable for 5 years from the date following the date on which the officer dies.

(*b*) In the event of death of the officer after retirement, the pension will be payable for the unexpired portion of five years from the date of retirement.

(2) Subject to a maximum of I. G. Rs. 150 per mensem in all cases, the amount of Family Pension will be:—

(*a*) In the event of death while in service, half the superannuation pension admissible to the officer, had he retired on the date following the date of his death.

(*b*) In the event of death after retirement, half the pension sanctioned for him at the time of retirement.

If, however, an officer mentioned in Clause (*b*) has commuted a part of his pension before his death, the uncommuted value of that part of pension will be deducted from the pension calculated as above.

(3) "Family" for the purposes of this Section will be as defined in sub-paragraph (1) of paragraph (3).

(4) No pension will be payable under this Section—

(*a*) to a person mentioned in clause (*b*) of sub-paragraph (5) without production of reasonable proof that such person was dependent on the deceased officer for support ;

(*b*) to an unmarried female member of an officer's family, in the event of her marriage ;

(*c*) to a widowed female member of an officer's family in the event of her remarriage,

(*d*) to a brother of an officer on his attaining the age of 18 years ;

(*e*) to a person who is not a member of an officer's family ;

(5) Except as may be provided by a nomination under sub-paragraph (6) :—

(*a*) a pension sanctioned under this section will be allowed ;

(*i*) to the eldest surviving widow, if the deceased is a male officer or to the husband, if the deceased is a female officer,

(*ii*) failing a widow or husband, as the case may be, to the eldest surviving son,

(*iii*) failing (*i*) & (*ii*) to the eldest surviving unmarried daughter,

(*iv*) these failing to the eldest widowed daughter, and

(*b*) in the event of no pension becoming payable under clause (*a*), the pension may be granted:—

(*i*) to the father ;

(*ii*) failing the father, to the mother ;

(*iii*) failing the father and the mother to the eldest surviving brother below the age of 18 ;

(*iv*) these failing to the eldest surviving unmarried sister ;

(*v*) failing (*i*) to (*iv*) to the eldest surviving widowed sister.

(6) If an officer who has completed 25 years' qualifying service desires that a pension that may be sanctioned under this Section should be payable to any members of his family in any order to be specified by him, he may make nomination for the purpose in form 'E' (enclosed) indicating the order in which the pension should be payable to the members of his family and to the extent that it is valid, the pension will be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-paragraph (4) at the time of the grant of the pension. In case the person concerned does not satisfy the requirements of the said sub-paragraph, the pension shall be granted to the person next lower in the order. The provisions of sub-paragraphs (6) (*b*), (8) & (9) of paragraph 3, will apply in respect of nominations under this sub-paragraph.

"NOTE—It has been decided for the convenience of Government servants that nomination may be allowed after the completion of a service of 25 years all of which may not be qualifying, but the claim to any family pension will be admissible only if and when the qualifying service has been 25 years or more."

(7) (*a*) A pension awarded under this Section will not be payable to more than one member of an officer's family at the same time.

(*b*) If a pension awarded under this Section ceases to be payable before the expiry of the period mentioned in sub-paragraph (1) on account of death or marriage of the recipient or other causes, it will be re-granted to the person next lower in the order mentioned in sub-paragraph (5) or to the person next lower in the order shown in the nomination made under sub-paragraph (6), as the case may be, who satisfies the other provisions of this Section.

(8) A pension sanctioned under this Section will be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of an officer's family under the existing rules.

(9) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this Section. Government reserve to themselves the right of withholding or withdrawing such a pension or any part of it, if the recipient be convicted of serious crime or be guilty of grave misconduct and Government decision in such matters will be final.

SECTION IV.—QUALIFYING SERVICE.

5. The minimum age after which service counts for pension is raised from 16 to 18 years in the case of an employee belonging to Inferior Service, who enters service of the Government after the date of issue of those orders or (2), who having entered such service on or before that date, did not hold a lien or a suspended lien on a permanent pensionable post under the Government on that date.

6. Half the continuous temporary service under the Government rendered after an officer has attained the minimum qualifying age, if followed by confirmation in a pensionable post, will count as "qualifying service". This benefit will not, however, be allowed in respect of

periods of extraordinary leave and any temporary service or portion thereof which already counts towards "qualifying service" under the existing rules

SECTION V.—COMMUTATION.

7. Facilities for commuting pensions in accordance with the Commutation of Pension Rules will continue (in accordance with the orders of Government issued from time to time) but the maximum amount of pension which may be commuted will be restricted to one-third of any pension granted under Section I.

SECTION VI.—OPTION TO PRE-1951 (June)—ENTRANTS.

8. An officer belonging to Superior Service, who holds a lien or a suspended lien on a permanent pensionable post under the Government or a Local Fund administered by Government on the 1st June 1951, may opt for his existing pension rules as a whole, in which case he will not be eligible for any of the benefits mentioned in Sections I to V. The option should be exercised within a period of six months commencing from 1st June 1951, and until such an officer opts for his existing pension rules, the provisions of Sections I to V will apply to him. The option should be exercised in writing and should be communicated by the officer concerned to the head of his office, if he is non-Gazetted Officer and his Accounts Officer, if a Gazetted Officer. The declaration when received from a non-Gazetted Officer should be countersigned by the head of the office and pasted in the Service Book of the officer concerned. The option once exercised will be final. It will be the responsibility of an officer opting for the existing pension rules as a whole, to ensure that the receipts of his declaration is acknowledged by the Accounts Officer or the Head of his office, as the case may be and that he receives an intimation that it has been duly recorded by the authority concerned.

SECTION VII.—MISCELLANEOUS.

9. (1) Government will have the right to effect recoveries if any, from a gratuity or pension sanctioned under Sections II & III and the pensions of those officers, who do not exercise the option referred to in paragraph 8 above.

(2) No gratuity or pension may be granted under Sections II & III if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under those Sections in accordance with Exception to Rule 241 of the Hyderabad Civil Services Rules.

(3) A gratuity or pension shall be sanctioned under Sections II and III after giving due regard to the provisions of rules 235 and 236 of the Hyderabad Civil Services rules.

(4) The existing rules which apply to the grant of an ordinary pension will also apply in respect of a gratuity or pension that may be sanctioned under Sections II & III in so far as such rules are not inconsistent with the provisions of these orders.

10. These orders will not apply to officers of the I.A.S. and I.P.S.

ANNEXURE

(NOTE:—*All amounts in I G. Currency*).

Completed year of qualifying service	For Officers belonging to Superior Service: Scale of gratuity or pension	For Officers belonging to Superior Service: Maximum pension in Rs per annum	Scale of gratuity or pension for officers belonging to Inferior Service
	(a) Gratuity		
1. .	1 month's emoluments		1/2 month's pay
2. ..	2 do		1 do
3. ..	3 do		1 1/2 do
4. ..	4 do		2 do
5. .	4 3/4 do		2 3/8 do
6. ..	5 1/2 do		2 3/4 do
7. .	6 1/4 do		3 1/8 do
8. ..	7 do		3 1/2 do
9. .	7 3/4 do		3 7/8 do
	(b) Pension		
10. ..	10/80ths of average emoluments	2250	4 1/4 month's pay.
11. ..	11/80ths do	2475	4 5/8 do
12. ..	12/80ths do	2700	5 do
13. ..	13/80ths do	2925	5 3/8 do
14. ..	14/80ths do	3150	5 3/4 do
15. ..	15/80ths do	3375	6 1/8 do
16. ..	16/80ths do	3600	6 1/2 do
17. ..	17/80ths do	3825	6 7/8 do
18. ..	18/80ths do	4050	7 1/4 do
19. ..	19/80ths do	4275	7 5/8 do
20. ..	20/80ths do	4500	20/80ths of average pay.
21. ..	21/80ths do	4725	21/80ths do
22. ..	22/80ths do	4950	22/80ths do
23. ..	23/80ths do	5175	23/80ths do
24. ..	24/80ths do	5400	24/80ths do
25. ..	25/80ths do	5625	25/80ths do
26. ..	26/80ths do	5850	26/80ths do
27. ..	27/80ths do	6075	27/80ths do
28. ..	28/80ths do	6300	28/80ths do
29. ..	29/80ths do	6525	29/80ths do
30. ..	30/80ths do	6750	30/80ths do

Form 'A.'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY.

When the officer has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and Address of nominee	Relationship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer
1	2	3	4	5

Dated this—..........................day of....... 19

at..................................

Witnesses to signature.

Signature of Officer

1.

2.

(To be filled in by the Head of the Office in the case of a non-Gazetted Officer.)

Nomination by........................

Designation...........................

Office................................

Signature of Head of Office.................

Date........................

Designation ....

Form 'B.'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death:—

Name and address of nominee	Relationship with officer	Age	*Amount or share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer
1	2	3	4	5	6

N.B.—The officer should draw lines across the blank space below the last enrty to prevent the insertion of any name after he has signed.

Dated this................................ .day of...................19

at..............................

Witnesses to signature *Signature of Officer.*

1.

2.

*NOTE.—This column should be filled in so as to cover the whole amount of the gratuity

(To be filled in by the Head of Office in the case of non-Gazetted Officer.)

Nomination by........................ *Signature of Head of Office* ....

Designation........................... *Date*...................

Office............................... *Designation*...............

Form 'C.'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has no family and wishes to nominate one person

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relation-ship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any to whom the right conferred on the nominee shall pass in the event o the nominee predeceasing the officer
1	2	3	4	5

Dated this..............................day of......................19

at................................

Signature of Officer.

Witnesses to signature

1.

2.

(To be filled in by the Head of the Office in the case of a non-Gazetted Officer.)

Nomination by ....

Designation..........................

Office ....

Signature of Head of Office..........

Date.................

Designation.............

Form 'D.'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has no family and wishes to nominate more than one person

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death

Name and Address of nominee	Relation-ship with officer	Age	*Amount or share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer
1	2	3	4	5	6

N.B.—The officer should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed

Dated this.......................... .day of....... .... .19

at...............................

Witnesses to signature. *Signature of Officer*

1.

2.

NOTE.— This column should be filled in so as to cover the whole amount of gratuity.

(To be filled in by the Head of Office in the case of non-Gazetted Officer)

Nomination by......................

Designation. ....

Office.......................... . ..

Signature of Head of Office . . ..

Date....... ....

Designation ....

Form 'E.'

NONIMATION FOR FAMILY PENSION

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the Family Pension which may be granted by Government in the event of my death after completion of 25 years' qualifying service

Name and Address of nominee	Relationship with Officer	Age	Whether married or unmarried
1	2	3	4

N.B.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.........................day of............................19 .

at..............................

Signature of Officer.

Witnesses to Signature.

1.

2.

(To be filled in by the Head of Office in the case of a non-Gazetted Officer.)

Nonimation by......................

Designation........................

Office..............—..............

Signature of Head of Office............

Date....................

Designation..............

ANNEXURE I

No. 29/61/Ec.-F. D/1951. *Dated 4th August* 1955.

CIRCULAR

SUBJECT:—Treatment of Temporary and Officiating Service under the Revised Pension Rules

Sir,

I am directed to say that certain doubts have arisen with regard to treatment of temporary and officiating service under the Revised Pension Rules The position is clarified below:—

(1) *Temporary Service.*

Under Art 248 H.C S.Rs, temporary service counts as qualifying service for eligibility to pension. This benefit is not intended to be taken away under the Revised Pension Rules issued through Finance Department Circular No 40 dated 30-5-1951, in respect of these Officers who were already in service prior to the introduction of the Revised Pension Rules. As such, temporary service which is counted in full for purposes of pensions before the introduction of the Revised Pension Rules will continue to be protected and the subsequent service rendered in a temporary capacity. after the introduction of the new rules, should not be treated in any way different from the previous temporary service. Thus a uniform treatment is to be accorded to the entire spell or period of temporary service by making it eligible for pension. This applies not only to Class IV servants who have been compulsorily brought under the new Pension Rules, but also to those who have opted to be governed by the Revised Pension Rules of 1951.

However, persons who have joined service on or after 1st June 1951, will be governed by the new pension rules under which only half the temporary service would count as qualifying service.

(2) *Officiating Service:*

Officiating service, rendered prior to 1-6-1951, and continued thereafter if followed by confirmation in a pensionable post, will also count in full as qualifying service for eligibility to pension. Persons who have been recruited on or after 1st June 1951, will, however, count only one half of the continuous officiating service under Government if followed by confirmation in a pensionable post, as qualifying service for eligibility to pension.

Yours faithfully,

Sd./—A. L. KANTHA RAO,
Assistant Secretary, Finance Department

ANNEXURE II

HYDERABAD CIVIL SERVICE RULES—REVISED PENSION RULES 1951 COUNTING OF SPECIAL DISABILITY LEAVE AND STUDY LEAVE TOWARDS PENSION—GOVERNMENT OF INDIA'S RULING—RECORDED

FINANCE (PENSION I) DEPARTMENT

G.O. Ms. No. 907 *Dated 25th April* 1959.

Read the following:

From the Government of India, Ministry of Finance (Department of Expenditure) Office Memorandum No. F. 11 (17) EV/58 dated the 4th June 1958.

ORDER

RECORDED

2 The Government of India's instructions contained in their office memorandum cited will apply in the cases of personnel governed by the Revised Pension Rules 1951 contained in the Hyderabad Civil Service Rules Manual, Volume II

(By order and in the name of the Governor of Andhra Pradesh)

S. SATYANARAYANA,
Deputy Secretary to Government.

Copy of the office Memorandum No F. 11 (17) EV/58 dated the 4th June 1958 from the Government of India, Ministry of Finance (Department of Expenditure), New Delhi

SUBJECT —Counting of special disability leave and study leave towards pension under the liberalised pension rules.

The undersigned is directed to invite a reference to this Ministry's Office Memorandum No. F. 11 (28) EV/56 dated the 22nd October 1956, and to say that the extent to which special disability leave or study leave taken by a Government servant during the period of his temporary service should count towards pension, has been under the consideration of the Government. It has now been decided that the special disability leave or study leave taken during the period of *temporary service* which counts for pension to the extent of half under the liberalised Pension Rules, will also count to the extent of half towards pension under the aforesaid rules.

The provisions of articles 407 and 408 of the Civil Service Regulations are not attracted in counting these kinds of leave towards pension

In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued after consultation with the Comptroller and Auditor-General of India.

Sd./— X X X
Under Secretary to the Government of India.

Copy of Memorandum No. F. 11 (28)-E.V./56. dated the 22nd October, 1956, of Government of India, Ministry of Finance.

Under Paragraph 7 of Ministry of Finance Office Memorandum No. F. 3 (I)-Est. (Spl.)/47 dated the 17th April 1950 (Appendix 41) one half of the continuous temporary service rendered prior to confirmation counts for pension under the Liberalised Pension Rules, subject to certain conditions. In this connection, a question has been raised whether one half of such temporary service should also be counted for the purpose of computing 'total service' as mentioned in column 1 of the table below article 408 of the Civil Service Regulations, and for applying the limits prescribed in columns 2 and 3 thereof in regard to counting leave other than privilege leave etc., for pension. The question has been carefully considered and it has been decided that one half of such temporary service should be counted for computing 'total service' as mentioned in article 408, subject to the same conditions as in paragraph 7 of appendix 41 and the limits prescribed in column 3 of the table below that article should be applied on that basis. For this purpose, one half of the earlier continuous temporary service rendered prior to the commencement of qualifying service should be added straightway to the 'total service' otherwise computed and the sum total should then form the ultimate 'total service'. It has further been decided that all leave with allowances taken during the continuous spell of temporary service should be taken into account for computing the one-half of temporary service as mentioned above but that any period of extra-ordinary leave availed of during that period should be excluded for that purpose

As a corollary and on the analogy of article 407-C.S.R. one-half of the period spent on privilege leave or leave on average pay upto four months in the one spell or earned leave under the revised leave rules, during temporary service, will automatically count for pension. One half of 'other leave with allowances' availed of during temporary service will also count for pension, along with such leave availed of during permanent and quasi-permanent services subject to the limits prescribed in article 408 of the C.S.R. No portion of any extra-ordinary leave without allowances should, however, count for pension in any case."

APPENDIX 12.

RULES FOR COMPASSIONATE PENSIONS AND GRATUITIES OF THE EX-HYDERABAD GOVERNMENT

1. These rules are drawn up merely for the guidance of officers indicating the limits up to which, in deserving cases the Government will ordinarily be prepared to consider recommendations for the grant of compassionate pensions to the survivors of deceased Government servants They do not constitute a right for anybody and any pensions or gratuities as may have been sanctioned in the past or may be sanctioned in the future must be regarded as mere acts of grace forming no precedent and constituting no claim

2 These rules are applicable to Civil pensioners subject to old pension rules and non-I S F *Military pensioners granted pension by this State*

In future the individual cases of the survivors of the Local Fund employees for the grant of compassionate pensions will be dealt with, in accordance with the Civil Compassionate Pension Rules laid down in this Appendix. The power of sanctioning the pensions, etc., shall as in the case of pensioners of State Government rest with the competent authorities.

3. Families of Municipal employees, who entered service after 1307 F., are not eligible for Riayati pension or gratuity. But all such employees if entertained in service before 1st Azur 1338 F, will be entitled to have refunded to their survivors the contribution paid for the deceased's service in the Municipality

4. Families of employees of Commercial Departments will be granted Riayati pensions, subject to the capitalised value of the pension being paid by the Department.

5. Grant of an allowance from the " Widows Fund " will not be a bar to Riayati pension or gratuity being granted to the families of Police employees.

LIMITATIONS.

6. Application for Riayati pension or gratuity must be made within a year and a half of the death of a Government servant

Exception —No time limit applies in the case of minors.

7. The pension strictly admissible under these rules is payable from the date following the date of the death of the deceased.

8. If a Government servant dies after drawing service gratuity, no Riayati gratuity will be granted to his survivors.

9. If a superior Government servant dies after enjoying his pension for five years or over, no Riayati pension will be granted to his survivors except to his widow as per Rule 32

10. If an inferior Government servant dies after retirement on pension no Riayati pension will be granted to his survivors.

11. If an inferior Government servant dies with less than 15 years service, no Riayati pension or gratuity will be granted to his survivors.

12. To be eligible for pension or gratuity, an heir must be related to the deceased in one of the following degrees :—

(1) Widow, in lawful wedlock,

(2) Son,

(3) Daughter,

(4) Father,

(5) Mother.

NOTE.—In special cases where unmarried or widowed sister or widowed daughter or daughter-in-law or orphan grandson or orhpan grand-daughter (Issue of deceased's son) was dependent on the deceased, a Riayati pension or gratuity under these rules, will be granted with the sanction of Government.

13. Pension or gratuity will usually be granted to the widow of the deceased on condition of her supporting the other members of the deceased's family , failing a widow, to the children of the deceased or to his parents.

14. A pension for life will be granted to a widow.

15. A pension will be granted to a son till the age of 18 years and in exceptional cases till the age of 22 years. In case he is incapacitated for earning a living, it may be granted for life.

16. A pension will be granted to a daughter till 25 years of age or her marriage whichever happens earlier. At the time of marriage a lumpsum equal to two years' pension will be paid as dowry.

17. A pension or gratuity will be granted to the father only in case he has no other means of livelihood.

18. A pension or gratuity will be granted to the mother in case she was dependent on the deceased for her maintenance.

19. If there is more than one widow the pension or gratuity admissible will be split up between them, with due regard to the number of children dependent on each for maintenance.

20. If a widow has step-children and there is reason to believe that she is not likely to look after them the pension or gratuity admissible will be split-up between her and her step-children according to the respective requirements.

21. If a widow re-marries, the compassionate pension sanctioned in her name will be stopped with effect from the date of her re-marriage. If the widow has also other dependents to be looked after, and the original sanction of pension in her name was subject to the condition of other dependents being looked after, the pension wholly or in part as warranted by circumstances of the case will be sanctioned in the name of her dependents under the rules.

22. If a widow in receipt of a pension dies, her pension may be transferred to her children or other relatives for whose support she was responsible, under terms on which her pension was sanctioned, either in its entirety or with a reduction, according to the circumstance of each case

23 For calculations of Riayati Pension or gratuity, fraction of a rupee amounting to annas 12 or more, will be treated as one rupee, while fraction below annas 12 will be disregarded.

SCALE OF GRATUITY AND PENSION FOR FAMILIES OF SUPERIOR SERVANTS

24. If the deceased's service was not sufficient to entitle him to a pension under the rules, one half of the gratuity earned by him will be granted to the survivors as Riayati gratuity.

25. If the deceased dies while in superior service and was entitled to a pension under the rules, the minimum rate of Riayati Pension payable to the survivors will be Rs 5, irrespective of the duration of such service.

26. If the deceased dies while in service, or within one year of his retirement on Pension, one-fourth of the service pension earned by him will be granted as Riayati Pension to his survivors, the minimum being Rs. 5.

27 If the deceased dies within two years of retirement, 80 per cent. of one-fourth of the service pension will be granted as Riayati Pension to his survivors

28. If the deceased dies within three years of retirement, 60 per cent of one-fourth of the service pension will be granted as Riayati Pension to survivors.

29 If the deceased dies within four years of retirement 40 per cent of one-fourth of the service pension will be granted as Riayati Pension to survivors

30. If the deceased dies within five years of retirement twenty per cent of one-fourth of the service pension will be granted as Riayati Pension to his survivors.

31. If the deceased dies after five years of retirement twenty per cent of one-fourth of the service pension may be granted as Riayati Pension to his widow or crippled and paralytic survivors.

NOTE.—(1) Should the application of the above scale in Rules 29 to 32 result in a pension of less than Rs. 3 the minimum pension admissible in such cases will be Rs 3

NOTE.—(2) The fact that the deceased pensioner had commuted a portion of his pension for a lump payment will not effect the amount of the Riyati Pension. Pension admissible to his survivors, *i.e.*, the Riayati Pension admissible will be calculated on the original pension of the deceased and not on the residuary amount after commutation.

NOTE —(3) The above ruling is in effect from 2nd Thir 1341 F.

32. The survivors of the deceased, whose salary was Rs. 40 or less but who was treated as a superior servant for purposes of service pension, will be granted a pension of Rs. 3 in case the deceased's service was not less than 10 years but less than 25 years and Rs. 4 in case his service was 25 years or more.

SCALE OF GRATUITY AND PENSION FOR FAMILIES OF INFERIOR SERVANTS.

33. If the deceased's service was not less than 15 years but less than 25 years, half the gratuity earned, will be granted to his survivors as Riayati gratuity.

34. If the deceased's service was 25 years or more, a pension of Rs. 3 will be granted to his survivors.

Exception.—In case of death within five years of retirement on pension, the survivors and after five years of retirement his widow or crippled and paralytic survivors may when circumstances warrant it, be given Rs. 2 p. m.

SCALE OF GRATUITY AND PENSION FOR FAMILIES OF NON-COMMISSIONED OFFICERS AND OTHER RANKS OF THE MILITARY DEPARTMENT.

Powers of Sanction.

35. Compassionate Pensions admissible under these rules may be sanctioned by the Minister-in-Charge of the Department concerned. In all other cases proposal regarding the grant of compassionate pensions may be decided finally by the Minister-in-Charge in consultation with the Finance Minister. The Department should refer these cases to the Finance Department with the approval of the Minister-in-Charge and if the Finance Minister also agrees orders will be issued to Audit by the Finance Department.

36. In cases where no compassionate gratuity or compassionate pension is strictly admissible under these rules no pension should be awarded In deserving cases, however, the Department may, with the approval of the Minister-in-Charge recommend to the Finance Department for the award of some compassionate gratuity. Such recommendations can be made only in the case of survivors of Government servants who had opted for the Old Pension Rules.

APPENDIX 13.

HYDERABAD SERVICES (EXTRAORDINARY PENSION) RULES 1952

1. These rules may be called the Hyderabad Government Servants (Extra-ordinary Pension) Rules, 1952.

2. They shall come into force from 1st April, 1952 and shall apply to all persons paid from the revenues of Hyderabad Government, other than those to whom the Workmen's Compensation Act, 1923 (VIII of 1923) applies, whether their appointment is permanent or temporary, on time-scale of pay fixed pay or piece work rates and who are under the rule making control of the Government of Hyderabad.

NOTE.—These rules are not applicable to the village officers who are governed by " The Hyderabad Village Officers' (Pension) Rules," 1951.

3. In these rules unless there is anything repugnant in the subject or context,

(1) "accident" means—

(*i*) a sudden and unavoidable mishap, or

(*ii*) a mishap due to an act of devotion to duty in an emergency arising otherwise than by violence out of and in the course of service ;

(2) "date of injury" means—

(*i*) in the case of accident or violence, the actual date on which the injury is suffered or such date, not being later than the date of the report of the medical board, as the Government may fix ; and

(*ii*) in the case of disease, the date on which the medical board reports or such earlier date as may be fixed by the Government with due regard to the opinion of the medical board ;

(3) "disease" means—

(*i*) venereal disease or septicaemia where such disease or septicaemia is contracted by a medical officer as a result of attendance in the course of his official duty on an infected patient or of conducting a post-mortem examination in the course of that duty, or

(*ii*) disease solely and directly attributable to an accident, or

(*iii*) an epidemic disease contracted by an officer in consequence of his being ordered on duty to an area in which such disease is prevalent, or in consequence of his attending voluntarily, out of humanitarian motives, upon any patient suffering from any such disease in any area where he happens to be in the performance of his duties,

(4) "injury" means bodily injury resulting from violence, accident or disease assessed by a medical board as being not less than severe.

NOTE.—Examples of injuries of certain categories are given in schedule I.

(5) "pay" means and includes, the amount drawn monthly by a Government servant as—

(*i*) the pay sanctioned for the post held by him substantively or in an officiating capacity,

(*ii*) technical-pay, special pay and personal pay, and

(*iii*) any other emoluments which may be specially classed as pay by Government :

Provided that in the case of a person remunerated by piecework rates, "pay" means the average earnings of the last 6 months ending with the date of his death or injury.

(6) "risk of office" means any risk, not being a special risk of accident or disease to which a Government servant is exposed in the course of and as a consequence of his duties, but nothing shall be deemed

to be a risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service.

(7) "special risk" means—

(i) a risk of suffering injury by violence ;

(ii) a risk of injury by accident to which a Government servant is exposed in the course of, and as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risks of his office ;

(iii) a risk of contracting disease to which a medical officer is exposed as a result of attending in the course of his official duty to a venereal or septicaemic patient or conducting a post-mortem examination in pursuance of that duty.

(8) "violence" means the act of a person who inflicts an injury on a Government servant—

(i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or

(ii) because of anything done or attempted to be done by such Government servant or by any other public servant in the lawful discharge of his duty as such, or

(iii) because of his official position.

4. An award under these rules shall be made only under the orders of Government. In making an award Government may take into consideration the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.

5. Except as otherwise provided in these rules, an award made under these rules shall not affect any other pension or gratuity for which the Government servant concerned or his family may be eligible under any other rules for the time being in force ; and the pension granted under the provisions of these rules shall not be taken into account in fixing the pay of the pensioner on his continued employment or re-employment in Government service.

6. No award shall be made in respect of—

(i) an injury sustained more than five years before the date of application, or

(ii) death which occurred more than seven years (*a*) after the injury due to violence or accident was sustained, or (*b*) after the Government servant was medically reported as unfit for duty on account of the disease of which he died.

7. For the purpose of these rules injuries shall be classified as follows :—

Class A.—Injuries caused as a result of special risk of office which have resulted in the permanent loss of an eye or a limb, or are of a more serious nature.

Class B.—Injuries caused as a result of special risk of office and equivalent, in respect of the degree of disablement which they cause to the loss of a limb or are very severe; or injuries caused as a result of risk of office which have resulted in the permanent loss of an eye or a limb, or are of a more serious nature.

Class C.—Injuries caused as a result of special risk of office which are severe, but not very severe, and likely to be permanent ; or injuries caused as a result of risk of office which are equivalent, in respect of the degree of disablement which they cause, to the loss of a limb or which are very severe and likely to be permanent.

8. (1) If a Government servant sustains an injury which falls within Class 'A' of rule 7, he shall be awarded:—

(*a*) a gratuity of the applicable amount specified in schedule II, and

(*b*) with effect from the date following the expiry of one year from the date of the injury.

(*i*) if the injury has resulted in the permanent loss of more than one limb or one eye, a permanent pension of the applicable amount specified in schedule II for a higher scale pension : and

(*ii*) in other cases, a permanent pension the amount of which shall not exceed the applicable amount specified in schedule II, for a higher scale pension and shall not be less than half that amount.

(2) If a Government servant sustains an injury which falls within Class 'B' of rule 7, he shall be awarded,

(*i*) if the injury has resulted in the permanent loss of an eye or a limb or is of more serious nature, a permanent pension, with effect from the date of the injury, of an amount which shall not exceed the applicable amount specified in schedule II, for a lower scale pension and shall not be less than half that amount.

(*ii*) in other cases,

(*a*) for a period of one year with effect from the date of the injury a temporary pension the amount of which shall not exceed the applicable amount specified in schedule II, for a lower scale pension and shall not be less than half that amount, and thereafter,

(*b*) a pension within the limit specified in sub-clause (*a*) if the medical board from year to year certifies that the injury continues to be very severe.

(3) If a Government servant sustains an injury which falls within Class 'C' of rule 7, he shall be awarded a gratuity of the applicable amount specified in schedule II, if the medical board certifies that the Government servant is likely to be unfit for service for a year or a proportionate amount subject to a minimum of one quarter of the amount so specified if he is certified to be likely to be unfit for less than a year:

Provided that in cases where the injury is equivalent in respect of the degree of disablement which it causes to the loss of a limb the Government may award, if it thinks fit, in lieu of the gratuity a pension not exceeding the amount admissible under clause (*ii*) of sub-rule (2) of this rule.

(4) A temporary pension awarded under this rule may be converted into a permanent injury pension—

(*i*) when the Government servant is invalided out of the service on account of the injury in respect of which the temporary pension was awarded, or

(*ii*) when the temporary pension has been drawn for not less than five years, or

(*iii*) at any time if the medical board certified that it sees no reason to believe that there will ever be a perceptible decrease in the degree of disablement.

9. Award shall be made to the widow and children of a Government servant as follows —

(*i*) if a Government servant is killed or dies of injury received as a result of "special risk of office."

(*a*) a gratuity of the applicable amount specified in schedule III; and

(*b*) a pension the amount of which shall not exceed the applicable amount specified in schedule III

(*ii*) If the Government servant is killed or dies of injuries received as a result of "risk of office" a pension the amount of which shall not exceed the applicable amount specified in schedule III:

Provided that if the pay of the deceased Government servant was less than Rs. 200, the monthly pension or the sum of pensions that may be granted under this rule, shall not, irrespective of the rates (including the minimum limits) specified in schedule III, exceed the limit of one half of his pay; and, if in any case the sum of such pensions calculated under schedule III, exceeds the limit of one half of his pay, such a *pro rata* reduction shall be made in the amount of each individual pension as will reduce the sum to such limit.

10. (1) If the deceased Government servant has left neither a widow nor a child, an award may be made to his father and his mother individually or jointly and in the absence of the father and the mother, to minor brothers and sisters individually or collectively, if they were largely dependent on the Government servant for support and are in pecuniary need :

Provided that the total amount of the awards shall not exceed one half of the pension that would have been admissible to the widow under rule 9:

Provided further that each minor brother's and sister's share shall not exceed the amount of pension specified in schedule III, for a "child who is not motherless."

(2) Any award made under sub-rule (1) of this rule will, in the event of an improvement in the pecuniary circumstances of the pensioner be subject to review in such manner as the Government may by order prescribe.

11. (1) A family pension will take effect from the day following the death of the Government servant or from such other date as the Government may decide.

(2) A family pension will ordinarily be tenable—

(i) in the case of a widow or mother until death or re-marriage whichever occurs earlier ;

(ii) in the case of a minor son, or minor brother, until he attains the age of 18 ;

(iii) in the case of an unmarried daughter or minor sister, until marriage or until she attains the age of 21, whichever occurs earlier ;

(iv) in the case of a father, for life.

12. (1) In respect of matters of procedure, all awards under these rules are subject to any procedure rules relating to ordinary pensions for the time being in force, to the extent that such procedure rules are applicable and are not inconsistent with these rules.

(2) When a claim for any injury pension or gratuity or family pension arises, the Head of the office or of the Department in which the injured, or the deceased Government servant was employed will forward the claim through the usual channel to the Government with the following documents :—

(i) A full statement of circumstances in which the injury was received, disease was contracted or the death occurred.

(ii) The application for injury pension or gratuity in Form 'A' or as the case may be, the application for family pension in Form 'B' of the Forms set forth in schedule IV.

(iii) In the case of an injured Government servant or one who has contracted a disease a medical report in Form 'C' of the Forms set forth in schedule IV. In the case of deceased Government servant a medical report as to the death or reliable evidence as to the actual occurrence of death, if the Government servant lost his life in such circumstances that a medical report cannot be secured.

*(iv) A report of the audit officer concerned as to whether an award is admissible under the rules and if so of what amount.

Schedule I.

[*Note to clause* (4) *of rule* 3]

CLASSIFICATION OF INJURIES

Equal to loss of limb—

Hemiplegia without aphasia

Permanent use of a tracheotomy tube

Artificial anus.

Total deafness of both ears.

Very severe—

Complete unilateral facial paralysis, likely to be permanent

Lesion of Kidney, ureter or bladder.

Compound fractures (except phalanges)

Such gross destruction of soft parts as to lead to permanent disability or loss of function.

Severe and likely to be permanent—

Ankylosis of, or considerable restriction in the movement of one of the following joints:—Knee, elbow, shoulder, hip, ankle, temporomaxillary or rigidity of the dorsilumbar or cervical sections of the spine

Partial loss of vision of one eye.

Destruction of loss of one testicle.

Retention of foreign bodies not causing permanent or serious symptoms

Schedule II.

(*Rule* 8)

INJURY GRATUITY AND PENSIONS

Pay of Government servant on the date of injury	Gratuity	Monthly Pension higher scale	Monthly Pension lower scale
1	2	3	4
		Rs	Rs
1. Rs. 2,000 and over	3 months' pay subject to a minimum of Rs. 800.	300	225
2. Rs. 1,500 and over but under Rs. 2,000		275	200
3. Rs. 1,000 and over but under Rs. 1,500.		200	150
4. Rs. 900 and over but under Rs. 1,000.		150	125
5. Rs. 400 and over but under Rs. 900.		100	84
6. Rs. 350 and over but under Rs. 400.		85	70
7. Rs. 200 and over but under Rs. 350.		67	50
8. Under Rs. 200	4 months' pay	1/3rd of pay subject to a minimum of Rs. 8 per mensem	1/5th of pay subject to a minimum of Rs. 4 per mensem

Schedule III.

(*Rule* 9)

FAMILY GRATUITY AND PENSION

A—Widow

Pay of Government servant on the date of death	Gratuity	Monthly pension
1	2	3
1. Rs. 800 and over		1/8th of pay subject to a maximum of Rs. 200.
2. Rs. 200 and over but under Rs. 800.	3 months' pay subject to a minimum of Rs. 800.	1/6th of pay subject to a maximum of Rs. 100 and a minimum of Rs. 50.
3. Under Rs. 200	4 months' pay	1/3rd of pay subject to a maximum of Rs. 50 and a minimum of Rs. 8.

B—Children.

Pay of Government servant on the date of death	Monthly pension of each child	
	If the child is motherless	If the child is not motherless
1. Rs. 800 and over	Rs. 40	Rs 25
2. Rs. 250 and over but under Rs. 800	Rs. 25	Rs. 13
3. Under Rs. 250	1/10th of pay subject to a minimum of Rs. 4	1/20th of pay subject to minimum of Rs 3

Schedule IV.

[*See Rule* 12 (2)]

Form 'A'.

FORM OF APPLICATION FOR INJURY PENSION OR GRATUITY

1 Name of applicant.

2 Father's name

3. Race, sect and caste.

4 Residence, showing village, taluka and district.

5. Present or last employment, including name of establishment.

6. Date of beginning of service.

7. Length of service, including interruptions..... .. ..of which superior. ....inferior..................non-qualifying and interruptions.

8 Classification of injury.

9. Pay at the time of injury

10. Proposed pension or gratuity.

11. Date of injury

12. Place of payment.

13. Special remarks if any.

14. Date of applicant's birth by Christian era.*

15. Height

16. Marks
Thumb and finger impressions

Thumb—forefinger—middle finger—ring finger—little finger.

17. Date on which the applicant applied for pension.

Signature of Head Office.

NOTE.—In the case of gazetted officers and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required.

*If not known exactly, must be stated on the best information or estimate.

Form 'B'.

(Rule 12)

FORM OF APPLICATION FOR FAMILY PENSION

Application for an extraordinary pension for the family of A and B, late a..... .. .
....killed, or died of injuries received,
as a result of special risk of Office

Submitted by the........ ....

Description of claimant.

1. Name and residence, showing village, taluka and district.
2. Age
3. Height.
4. Race, caste or tribe
5. Marks for identification
6. Present occupation and pecuniary circumstances.
7. Degree of relationship to deceased.

Description of deceased.

8. Name.
9. Occupation and service.
10. Length of service
11. Pay when killed.
12. Nature of injury causing death
13. Amount of pension or gratuity proposed.
14. Place of payment.
15. Date from which pension is to commence.
16. Remarks

Name and ages of surviving kindred of deceased.

	Name.	Date of birth by Christian era.
Sons.		
Widows.		
Daughters		
Father.		
Mother.		

NOTE.—(If the deceased has left no son, widow, daughter, father or mother surviving him the word " none " or " dead " should be entered opposite to such relative).

Place...............................

Date................. ....

Signature of Head Office.

Form 'C'.

FORM TO BE USED BY MEDICAL BOARD WHEN REPORTING ON INJURIES

[*Rule* 12 (2) (*iii*)]

Proceedings of Medical Board.

Confidential

Proceedings of a medical board assembled by order of ....for the purpose of examining and reporting on the present state of the $\frac{\text{injury sustained by}}{\text{disease contracted}}$ at (place of injury, etc.). .... on the (date of injury, etc.)

(*a*) State briefly the circumstances under which the $\frac{\text{injury}}{\text{disease}}$ was $\frac{\text{sustained}}{\text{contracted}}$

(*b*) What is the Government servant's present condition?

(*c*) Is the Government servant's present condition wholly due to the $\frac{\text{injury}}{\text{disease}}$?

If not, state to what other causes it is attributable.

(*d*) In the case of disease from which date does it appear that the Government servant has been incapacitated?

The opinion of the board upon the questions below is as follows:—

Part A.

FIRST EXAMINATION

The severity of the injury should be assessed in accordance with following classification and details given in the remarks column below:—

	Yes	No.
1. Is the injury		
(*i*) (*a*) the loss of an eye or a limb? . .		
(*b*) the loss of more than one eye or limb? ..		
(*ii*) more severe than the loss of an eye or a limb?		
(*iii*) equivalent to the loss of an eye or a limb? ..		
(*iv*) very severe and likely to be permanent? . ..		
(*v*) severe and likely to be permanent?		
(*vi*) very severe, but not likely to be permanent? ..		
(*vii*) slight but likely to be permanent? . ..		

2. For what period from the date of the injury.

(*a*) has the Government servant been unfit for duty?

(*b*) is the Government servant likely to remain unfit for duty?

REMARKS.—Here the classification above may be amplified if necessary or details of additional injuries to the main injury may be given.

Part B.

SECOND OR SUBSEQUENT EXAMINATIONS

If the original degree of disability of the Government servants has changed, in which of the above categories should it now be placed

Remarks.—In this space additional details may be given if necessary

Instructions to be observed by the Medical Board preparing the report.

1. The Medical Board before recording their opinion should invariably consult the proceedings of previous Medical Boards, if any, as also all previous medical documents connected with the Government servant brought before them for examination

2 If the injuries be more than one, they should be numbered separately; and should it be considered that, for instance, though only "severe" or "slight" in themselves, they represent together the equivalent of a single "very severe" injury, such an opinion may be expressed in the columns provided

3 In answering the questions in the prescribed form the Medical Board will confine itself exclusively to the medical aspect of the case and will carefully discriminate between the Government servant's unsupported statements and the medical documentary evidence available

4. The Board will not express any opinion, either to the Government servant examined, or in their report, as to whether he is entitled to compensation, or as to the amount of it, nor will it inform the Government servant how the injury has been classified

APPENDIX 14.

LIBERALISATION OF PENSION RULES OF THE GOVERNMENT OF INDIA.

Government of India, Ministry of Finance, Office Memorandum No. F 3 (1)-Estt. (Spl)/47, dated 17th April, 1950 as amended in Office Memorandum No. 20 (43) EV/57, dated 3rd December 1957.

The undersigned is directed to say that the recommendations of the Central Pay Commission regarding retirement benefits for Government Servants in pensionable service have been under the consideration of the Government of India It has now been decided and the President is pleased to direct that the existing pension provisions contained in the Superior Civil Services Rules, the Civil Service Regulations and the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, in their application to persons appointed to services and posts in connection with the affairs of the Union, shall be modified to the extent indicated below. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these modifications have been directed after consultation with the Comptroller and Auditor-General.

SECTION I.—PENSION.

2. (1) The amount of superannuation, invalid and compensation gratuity and pension will be the appropriate amount set out in the Annexure

(2) An officer may retire from service any time after completing 30 years' qualifying service provided that he shall give in this behalf, a notice in writing to the appropriate authority at least three months

before the date on which he wishes to retire. Government may also require an officer to retire any time after he has completed 30 years' qualifying service provided that the appropriate authority shall give in this behalf, a notice in writing to the officer, at least three months before the date on which he is required to retire.

(3) An officer who retires or is retired, only in the manner indicated in sub-paragraph (2), may be granted a retiring pension not exceeding 30/80ths of average emoluments (average pay, in the case of an officer belonging to a Central Service, Class IV) subject to a maximum of Rs 6,750 per annum

(4) No additional or special additional pensions will be granted.

SECTION *II*—DEATH-CUM-RETIREMENT GRATUITY.

3. (1) An officer who has completed five years' qualifying service may be granted an additional gratuity not exceeding the amount specified in sub-paragraph (3), when he retires from service and is eligible for a gratuity or pension under Section I.

(2) If an officer who has completed 5 years' qualifying service dies while in service, a gratuity not exceeding the amount specified in sub-paragraph (3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under paragraph 4 or, if there is no such person, to the legal heirs of the officer.

(3) The amount of gratuity, will be nine-twentieths of the "emoluments" of an officer for each completed year of qualifying service subject to a maximum of 15 times the "emoluments". In the event of death of an officer while in service, the gratuity will be subject to a minimum of 12 times the "emoluments" of the officer at the time of his death.

(4) If an officer who has become eligible for a pension or gratuity under Section I dies after he has retired from service, and the sums actually received by him at the time of death on account of such gratuity or pension together with the gratuity granted under sub-paragraph (1) are less than an amount equal to 12 times his "emoluments", a gratuity equal to the deficiency may be granted to the person or persons specified in sub-paragraph (2) This benefit will not be admissible if the officer had commuted a portion of his pension before death.

(5) The "emoluments" for the purpose of this Section will be subject to a maximum of Rs. 1,500 per mensem. In the case of an officer belonging to a Central Service Class I, Class II or Class III the "emoluments" will be reckoned in accordance with article 486 of the Civil Service Regulations, provided that if the emoluments of an officer have been reduced during the last three years of his service, otherwise than as a penalty, "average emoluments" as defined in article 487 of the Civil Service Regulations may, at the discretion of the authority which has power to sanction the gratuity under this Section, be treated as the

"emoluments". In the case of Class IV services "emoluments" will mean "pay" as defined in rule 5 (b) of the Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936, provided that if in any case the pay was reduced during the last three years of service, otherwise than as a penalty, "average pay" as defined in rule 6 (c) of those rules may, at the discretion of the authority which has the power to sanction the gratuity, be treated as the "emoluments".

NOMINATIONS.

(1) For the purposes of this paragraph—

(*a*) "family" shall include the following relatives of the officer—

(*i*) wife, in the case of a male officer,

(*ii*) husband, in the case of female officer,

(*iii*) sons,

(*iv*) unmarried and widowed daughters,

(*v*) brothers below the age of 18 years and unmarried or widowed sisters,

(*vi*) father, and

(*vii*) mother.

NOTE.—(*iii*) and (*iv*) will include step-children.

(*b*) "person" for the purpose of this paragraph shall include any company or association or body of individuals, whether incorporated or not".

(Government of India, Ministry of Finance, Office Memorandum No. 20 (43)/EV/57, dated 3rd December, 1957, recorded in Andhra Pradesh Government Order No. 149, Finance, dated 20th January, 1959.)

(2) An officer shall, as soon as he completed five years' qualifying service, make a nomination conferring on one or more persons the right to receive any gratuity that may be sanctioned under sub-paragraphs (2) and (4) of paragraph 3 and any gratuity which having become admissible to him under sub-paragraph (1) of that paragraph and sub-paragraph (1) of paragraph 2 has not been paid to him before death:

Provided that if, at the time of making the nomination, the officer has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(3) If an officer nominates more than one person under sub-paragraph (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(4) An officer may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the officer the right conferred upon that nominee shall pass to such other person as may be specified in the nomination provided that if at the time of making the nomination the officer has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family

(Government of India, Ministry of Finance, Office Memorandum No 20 (43)/EV/57, dated 3-12-1957 recorded in Andhra Pradesh Government G.O No. 149, Finance, dated 20th January, 1959)

(b) that the nomination shall become invalid in the event of the happening of a contingency, specified therein

(5) The nomination made by an officer who has no family at the time of making it, or a provision made in a nomination under clause (a) of sub-paragraph (4) by an officer whose family consists, at the date of making the nomination, of only one member, shall become invalid in the event of the officer subsequently acquiring a family, or an additional member in the family, as the case may be.

(Government of India, Ministry of Finance, Office Memorandum No. 20 (43)/EV/57, dated 3-12-1957, recorded in Andhra Pradesh Government Order No 149, Finance, dated 20th January, 1959.)

(6) (a) Every nomination shall be in such one of the forms A to D (enclosed) as may be appropriate in the circumstances of the case.

(b) An officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority, provided that the officer shall, along with such notice, send a fresh nomination made in accordance with this paragraph.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-paragraph (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-paragraph or sub-paragraph (5), the officer shall send to the appropriate authority a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this paragraph.

(8) Every nomination made, and every notice of cancellation given, by an officer under this paragraph, shall be sent by the officer to his Accounts Officer in the case of a gazetted officer and to the head of his office in the case of a non-gazetted officer. Immediately on receipt of a nomination from a non-gazetted officer the head of the office shall countersign it indicating the date of receipt and keep it under his custody.

(9) Every nomination made, and every notice of cancellation given, by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-paragraph (8).

SECTION III—FAMILY PENSION

5. (1) A family pension not exceeding the amount specified in sub-paragraph (2) may be granted to the family of an officer in the event of his death after he has completed 25 years' qualifying service, for the following period :—

(*a*) In the event of death of the officer while in service, the pension will be payable for five years from the date following the date on which the officer dies

(*b*) In the event of death of the officer after retirement, the pension will be payable, for the unexpired portion of five years from the date of retirement.

(2) Subject to maximum of Rs. 150 per mensem in all cases, the amount of Family Pension will be :—

(*a*) In the event of death while in service, half the superannuation pension admissible to the officer had he retired on the date following the date of his death.

(*b*) In the event of death after retirement, half the pension sanctioned for him at the time of retirement
If, however, an officer mentioned in clause (*b*) has commuted a part of his pension before his death, the uncommuted value of that part of pension will be deducted from the pension calculated as above

(3) "Family" for the purposes of this Section will be as defined in sub-paragraph (1) of paragraph 4.

(4) No pension will be payable under this Section.—

(*a*) to a person mentioned in clause (*b*) of sub-paragraph (5) without production of reasonable proof that such person was dependent on the deceased officer for support ;

(*b*) to an unmarried female member of an officer's family, in the event of her marriage ;

(*c*) to a widowed female member of an officer's family, in the event of her re-marriage ;

(*d*) to a brother of an officer on his attaining the age of 18 years ;

(*e*) to a person who is not a member of an officer's family.

(5) Except as may be provided by a nomination under sub-paragraph (6)—

(*a*) a pension sanctioned under this Section will be allowed—

(i) to the eldest surviving widow, if the deceased is a male officer or to the husband, if the deceased is a female officer;

(*ii*) failing a widow or husband, as the case may be, to eldest surviving son ;

(*iii*) failing (*i*) and (*ii*), to the eldest surviving unmarried daughter

(*iv*) these failing, to the eldest widowed daughter ; and

(*b*) in the event of no pension becoming payable under clause (*a*), the pension may be granted—

(*i*) to the father ;

(*ii*) failing the father, to the mother ;

(*iii*) failing the father and the mother, to the eldest surviving brother below the age of 18 ;

(*iv*) these failing, the eldest surviving unmarried sister ;

(*v*) failing (*i*) to (*iv*), to the eldest surviving widowed sister.

(6) If an officer who has completed 25 years' qualifying service desires that a pension that may be sanctioned under this Section should be payable to any members of his family in any order to be specified by him, he may make a nomination for the purpose in form E (enclosed) indicating the order in which the pension should be payable to the members of his family ; and to the extent that it is valid, the pension will be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-paragraph (4) at the time of the grant of the pension. In case the person concerned does not satisfy the requirements of the said sub-paragraph the pension shall be granted to the person next lower in the order. The provisions of sub-paragraphs (6) (*b*), (8) and (9) of paragraph 4 will apply in respect of nominations under this sub-paragraph.

(7) (*a*) A pension awarded under this Section will not be payable to more than one member of an officer's family at the same time.

(*b*) If a pension awarded under this Section ceases to be payable before the expiry of the period mentioned in sub-paragraph (1) on account of death or marriage of the recipient of other causes, it will be regranted to the person next lower in the order mentioned in sub-paragraph (5) or to the person next lower in the order shown in the nomination made under sub-paragraph (6), as the case may be, who satisfies the other provisions of this Section.

(8) A pension sanctioned under this Section will be tenable in addition to any extraordinary pension or gratuity or compensation that may be granted to the members of an officer's family under the existing rules or Acts.

(9) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of a pension under this Section. Government reserve to themselves the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and Government's decision in such matter will be final.

SECTION IV.—QUALIFYING SERVICE.

6. The minimum age after which service counts for pension is raised from 16 to 18 years in the case of an officer belonging to a Central Service, Class IV, (1) who enters service of the Government of India after the date of issue of these orders or (2) who, having entered such service on or before the date did not hold a lien or a suspended lien on a permanent pensionable post under the Government of India on that date.

7. Half the continuous temporary service under the Government of India, rendered after an officer has attained the minimum qualifying age, if followed by confirmation in a pensionable post, will count as "qualifying service". This benefit will not, however, be allowed in respect of periods of extraordinary leave and any temporary service or portion thereof which already counts towards "qualifying service" under the existing rules.

SECTION V.—COMMUTATION.

8. Facilities for commuting pensions in accordance with the Civil Pensions (Commutation) Rules will continue, but the maximum amount of pension which may be commuted will be restricted to one-third of any pension granted under Section I.

SECTION VI.—OPTION TO PRE-1938 ENTRANTS.

9. An officer belonging to a Central Service Class I, Class II or Class III who held a lien or a suspended lien on a permanent pensionable post under the Government of India or a Provincial Government or a Local Fund administered by Government, on the 30th September, 1938, and is holding a lien or a suspended lien on a permanent pesionable post under the Government of India on the date of issue of these orders, may opt for his existing pension rules as a whole, in which case he will not be eligible for any of the benefits mentioned in Sections I to V. The option should be exercised within a period of one year from the date of issue of these orders or before the officer retires from service, whichever date is earlier, and until such an officer opts for his existing pension rules, the provisions of Section I to V will apply to him. The option should be exercised in writing and should be communicated by the officer concerned to the head of his Office if he is a non-gazetted officer, and his Accounts Officer, if a Gazetted Officer. The declaration when received from a non-gazetted officer, should be countersigned by the head of the office and pasted in thé Service Book of the Officer concerned. The option once exercised will be final. It will be the responsibility of an officer opting for the existing pension rules as a whole to ensure that the receipt of his declaration is acknowledged by the Accounts Officer or the Head of his Office as the case may be, and that he receives an intimation that it has been duly recorded by the authority concerned.

SECTION VII.—MISCELLANEOUS.

10. (1) Government will have the right to effect recoveries from a gratuity or pension sanctioned under Section II and III in the same circumstances, as recoveries can be effected from an ordinary pension under article 351-A of the Civil Service Regulations. This will apply also in the case of officers who entered service before the 23rd February, 1939 and who do not exercise the option referred to in paragraph 9 above.

(2) No gratuity or pension may be granted under Sections II and III if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under those Sections in accordance with article 353 of the Civil Service Regulations.

(3) A gratuity or pension shall be sanctioned under Sections II and III after giving due regard to the provisions of article 470 of the Civil Service Regulations.

(4) The existing rules which apply to the grant of an ordinary pension will also apply in respect of a gratuity or pension that may be sanctioned under Sections II and III in so far as such rules are not inconsistent with the provisions of these orders.

11. The following decisions have been taken in respect of other recommendations of the Central Pay Commission :—

(*a*) The recommendation that no change is required in the rules relating to computation of "emoluments" and "average emoluments" for the purposes of pension, has been accepted.

(*b*) The recommendation that it is not necessary to prescribe a minimum limit on pension, has been accepted.

(*c*) The recommendation that no modification is required in the Extraordinary Pension Rules, has been accepted.

(*d*) The recommendation that the concession admissible under article 404-A of the Civil Service Regulations should be extended to officers recruited on or after 8th July, 1937, has not been accepted.

(*e*) The recommendation that contributory provident fund benefits should be allowed to persons who wish to service in permanent pensionable posts for short periods has not been accepted.

12. These orders will take immediate effect and will also apply to officers who are on leave preparatory to retirement on the date of issue of these orders. Immediate steps should be taken to bring the contents of these orders to the notice of all concerned and particularly officers on leave preparatory to retirement. Necessary amendments to the Rules mentioned in paragraph 1 and the Civil Pensions (Commutation) Rules will issue in due course.

13. These orders will not apply to officers of the I.A.S. and I.P.S.

ANNEXURE

Completed years of qualifying service.	For officers belonging to a Central Service Class I, II or III		Scale of gratuity or pension for officers belonging to a Central Service Class IV
	Scale of gratuity or pension	Maximum pension (in Rs. per annum)	
	(a) GRATUITY		
1	1 month's emoluments		1/2 month's pay
2	2 ,, ,,		1 ,, ,,
3	3 ,, ,,		1 1/2 ,, ,,
4	4 ,, ,,		2 ,, ,,
5	4 3/4 ,, ,,		2 3/8 ,, ,,
6	5 1/2 ,, ,,		2 3/4 ,, ,,
7	6 1/4 ,, ,,		3 1/8 ,, ,,
8	7 ,, ,,		3 1/2 ,, ,,
9	7 3/4 ,, ,,		3 7/8 ,, ,,
	(b) PENSION.		
10	10/80ths of average emoluments	*2,700	4 1/2 ,, ,,
11	11/80ths ,, ,,	2,970	4 5/8 ,, ,,
12	12/80ths ,, ,,	3,240	5 ,, ,,
13	13/80ths ,, ,,	3,510	5 3/8 ,, ,,
14	14/80ths ,, ,,	3,780	5 3/4 ,, ,,
15	15/80ths ,, ,,	4,050	6 1/8 ,, ,,
16	16/80ths ,, ,,	4,320	6 1/2 ,, ,,
17	17/80ths ,, ,,	4,590	6 7/8 ,, ,,
18	18/80ths ,, ,,	4,860	7 1/4 ,, ,,
19	19/80ths ,, ,,	5,130	7 5/8 ,, ,,
20	20/80ths ,, ,,	5,400	20/80ths of average pay
21	21/80ths ,, ,,	5,670	21/80ths ,, ,,
22	22/80ths ,, ,,	5,940	22/80ths ,, ,,
23	23/80ths ,, ,,	6,210	23/80ths ,, ,,
24	24/80ths ,, ,,	6,480	24/80ths ,, ,,
25	25/80ths ,, ,,	6,750	25/80ths ,, ,,
26	26/80ths ,, ,,	7,020	26/80ths ,, ,,
27	27/80ths ,, ,,	7,290	27/80ths ,, ,,
28	28/80ths ,, ,,	7,560	28/80ths ,, ,,
29	29/80ths ,, ,,	7,830	29/80ths ,, ,,
30 and above	30/80ths ,, ,,	8,100	30/80ths ,, ,,

BRIJ NARAYAN,
Joint Secretary to the Government of India.

To

ALL MINISTRIES OF THE GOVERNMENT OF INDIA.

*The figures in this column are as amended in Government of India, Ministry of Finance Office Memo, No. 20 (2)-EV, 156, dated 22nd May, 1957.

Form 'A'.

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the Officer has a family and wishes to nominate one member thereof

I hereby nominate the person mentioned below who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death

Name and Address of nominee	Relationship with officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer

Dated this...... ....day of.... .... .19 ,

at...............................

Signature of Officer.

Witnesses to Signature.

1.

2.

(To be filled in by the Head of Office in the case of a non-gazetted Officer.)

Nomination by........................

Designation..........................

Office...............................

Signature of Head of Office ....

Date.................. ..

Designation..............

Form 'B'.

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has a family and wishes to nominate more than one member thereof

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death

Name and Address of nominee	Relationship with officer	Age	Amount or share of gratuity payable to each *	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on nominee shall pass in the event of the nominee pre-deceasing the officer

N.B.—The officer should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.......... ....day of ....19 ,

at...........................

Signature of Officer.

Witnesses to signature.

1.

2.

*NOTE.—This column should be filled in so as to cover the whole amount of the gratuity.

(To be filled in by the Head of Office in the case of a non-gazetted Officer.)

Nomination by.....................

Signature of Head of Office ....

Designation.........................

Date....................

Office..............................

Designation.............

Form 'C'.

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has no family and wishes to nominate one person

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death

Name and Address of nominee	Relationship with officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nomination shall pass in the event of the nominee pre-deceasing the officer

Dated this............................day of......................19 ,

at..............................

Signature of Officer

Witnesses to signature.

1.

2

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by........................

Designation..........................

Office...............................

Signature of Head of Office ....

Date....................

Designation.............

Form 'D'.

Nomination for Death-cum-Retirement Gratuity

When the officer has no family and wishes to nominate more than one person

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned by Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death

Name and Address of nominees	Relationship with officer	Age	Amount or share of gratuity payable to each *	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer

N.B.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this......................day of. .. ..19 .

at..............................

Signature of Officer.

Witnesses to signature

1.

2.

*Note.—This column should be filled in so as to cover the whole amount of gratuity.

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by......................

Designation..... ....

Office............ . ...

Signature of Head of Office ....

Date........ ....

Designation.............

Form 'E'.

NOMINATION FOR FAMILY PENSION

I, hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by Government in the event of my death after completion of 25 years qualifying service.

Name and Address of nominee	Relationship with officer	Age	Whether married or unmarried

N. B.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this ....day of............. .... .19 ,

at................................

Signature of Officer

Witnesses to signature.

1.

2.

(To be filled in by the Head of Office in the case of a non-gazetted officer.)

Nomination by........ ....

Signature of Head of Office ....

Designation..........................

Date................ ...

Office..............................

Designation..............

Government of India, Ministry of Finance. Office Memorandum No. 20 (2)—EV/56, *dated 22nd May* 1957

Subject:—Liberalisation of the New Pension Rules in the matter of pension, death-cum-retirement gratuity and family pension

1. The Government of India have had under consideration the question of further liberalising the pensionary and family benefits admissible under the New Pension Rules promulgated with this Ministry's O.M. No. F. 3 (1)—EST/(Spl.)/47, dated the 17th April 1950 The President has now been pleased to take the decisions embodied in the following paragraphs. Modifications necessitated in the New Pension Rules consequential to the decisions reached are also indicated below

PENSION.

2. It has been decided to increase the maximum amount of superannuation, invalid and compensation pension from Rs 6,750 to Rs 8,100 per annum. Proportionate increases will be made in the amounts of such pension admissible for completed years of qualifying service between 10 and 30

The entries in Col. (3) under the heading " (*b*) Pensions " in the Annexure to the O.M. referred to will accordingly be substituted by those in Col. (3) of the *Annexure to this O.M.

The amount of retiring pension specified in sub-paragraph (3) of paragraph (2) of the said O.M., viz., " Rs. 6750 ", will also be modified to " Rs. 8,100 ".

DEATH-CUM-RETIREMENT GRATUITY.

3. According to sub-paragraph (3) of paragraph 3 of Section II of the O M., under reference, the amount of death-cum-retirement gratuity will be 9/20ths of the emoluments of an officer for each completed year of qualifying service subject to a maximum of 15 times the " emoluments ". It is also provided in sub-paragraph (5) of the same paragraph that the " emoluments " for the purpose of Section II will be subject to a maximum of Rs. 1,500 per mensem. It has now been decided that the maximum limit of emoluments for the purpose referred to shall be raised to Rs. 1.800 per mensem and that the amount of death-cum-retirement gratuity shall be 9/20ths of the emoluments of an officer for each completed year of qualifying service subject to a maximum of 15 times the " emoluments " provided that in no case shall it exceed Rs 24,000.

4. The orders in paragraphs 2 and 3 above will take effect from the 17th April 1956.

FAMILY PENSION

5. It has been decided that a family pension should be admissible to the family of an officer if he dies while in service after completion of 20 years' qualifying service instead of 25 years' service as at present, that the family pension on the existing scale should be payable for a period of ten years, provided that payment does not extend beyond a period of

*Not printed as the amendment has already been incorporated in the Annexure to O.M. No. F. 3 (i) Est. (Spl.)-47, dated 17-4-1950.

five years from the date on which the deceased officer actually retired or the date on which he would have retired on superannuation pension in the normal course, according as death takes place after retirement or while still in service The minimum family pension admissible will be Rs 30 per mensem, subject, however, to the condition that in no case it should exceed the full pension which the deceased officer would have been entitled to had he retired on a superannuation pension on the date following the date of his death.

In order to give effect to the above decisions and the decisions on certain connected matters, it has been decided that sub-paragraphs (1) and (2) of paragraph 5 under Section III of the O.M. referred to, governing the conditions, etc., for the award of family pension, shall be substituted as follows:—

"(1) A family pension, not exceeding the amount specified in sub-paragraph (2) may be granted to the family of an officer who dies, whether while still in service or after retirement, after completion of not less than 20 years' qualifying service, for a period of ten years.

Provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased officer retired or on which he would have retired on a superannuation pension in the normal course, according as the death takes place after retirement or while the officer is in service.

NOTE —(i) In the case of an officer who dies while on extension of service, the expression "date on which he would have retired on superannuation pension in the normal course" in the said proviso shall mean the date up to which extension of service had been sanctioned to him before his death.

(ii) In the case of a person governed by clause (*b*) (*i*) of F.R. 56 in the matter of age of compulsory retirement, the expression "date on which he would have retired on superannuation pension in the normal course" in the above proviso means the date on which he would have attained the age of 55 years in case death takes place before the officer attained that age, and the date up to which his continuance in service had been sanctioned at the time of his death, if death takes place while in service at any time after attaining the age of 55 years

(2) The amount of family pension will be—

(*a*) In the event of death while in service, one-half of the superannuation pension which would be admissible to the officer had he retired on the date following the date of his death, and

(*b*) In the event of death after retirement, half the pension sanctioned for him at the time of retirement.

Provided that the amount of family pension will be subject to a maximum of Rs 150 p.m., and a minimum of Rs. 30 p.m., subject to the further condition that the minimum pension will not in any case exceed the full amount of the pension that would have been admissible to the deceased officer if he had retired on a superannuation pension on the date following the date of his death

In cases where an officer mentioned in clause (*b*) had commuted a part of his pension before his death, the uncommuted value of that part of pension will be deducted from the family pension calculated as above.".

6. (*i*) The orders in paragraph 5 above will take effect from the 1st April 1957. The amount and the total period of availability of all family pensions which had been already sanctioned or become due before the 1st April 1957 shall be readjusted in accordance with these orders so, however, that no arrears in respect of any period prior to the 1st April 1957 shall be payable.

(*ii*) Cases of any officers who may have died during the period of three years prior to 1st April 1957 and whose families would have become eligible for a family pension if the modifications of the existing rules embodied in paragraph 5 above had been in force on the date of death of the officers concerned will be considered *ad hoc* on merits. All such cases should be referred to Government through the appropriate channels, giving all relevant particulars.

7. Government will also be prepared to consider, in exceptional circumstances, the award of family pension to families of officers who may die after completing less than 20 year's qualifying service but not less than 10 years' qualifying service

8. In view of the considerable liberalisation which the above decisions involve in the provisions of New Pension Rules, it has been further decided that a Central Service officer who had elected to remain under the old pension rules, in whole or in part, pursuant to the provisions of this Ministry's Office Memorandum No. F 3 (16)—Est. (Spl.)/50, dated the 2nd January 1951, and who was in service or on leave preparatory to retirement (including refused leave) on the 17th April 1956, shall be allowed to exercise a fresh option in favour of the New Pension Rules as modified by the decisions referred to The option shall be exercised within six months from the date of issue of these orders and, once exercised, will be regarded as final. In case of failure to exercise a fresh option within the stipulated period it will be treated that the original option, if any, subsists. The option shall be exercised in writing and shall be communicated by the officer concerned to the head of his office if he is a non-gazetted officer and to his Accounts Officer if he is a gazetted officer. The option when received from a non-gazetted officer should be countersigned by the head of office and pasted in the Service Book of the officer concerned.

9. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

10. Administrative authorities are requested to take urgent steps to bring the contents of this O.M. to the notice of (i) all concerned persons employed under their administrative control, including those on leave or foreign service, and (*ii*) employees who retired on or after the 17th April 1956.

C. B. GULATI,
Deputy Secretary to the Govt. of India.

ANNEXURE

Completed years of qualifying service	For officers belonging to a Central Service Class I, II or III — Scale of Pension	Maximum Pension (in Rs per annum)
1	2	3
	(b) PENSION.	
10	10/80ths of average emoluments	2,700
11	11/80ths " "	2,970
12	12/80ths " "	3,240
13	13/80ths " "	3,510
14	14/80ths " "	3,780
15	15/80ths " "	4,050
16	16/80ths " "	4,320
17	17/80ths " "	4,590
18	18/80ths " "	4,860
19	19/80ths " "	5,130
20	20/80ths " "	5,400
21	21/80ths " "	5,670
22	22/80ths " "	5,940
23	23/80ths " "	6,210
24	24/80ths " "	6,480
25	25/80ths " "	6,750
26	26/80ths " "	7,020
27	27/80ths " "	7,290
28	28/80ths " "	7,560
29	29/80ths " "	7,830
30	30/80ths " "	8,100

APPENDIX 15.

THE ALL-INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) RULES, 1958.

G.S.R. 728.—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely :—

1. *Short title and application*.—(1) These rules may be called the All India Services (Death-*cum*-Retirement Benefits) Rules, 1958

(2) (*a*) Subject to the provisions of clause (*b*) of this sub-rule, they shall apply to all persons who retired from the Service on or after the 29th October, 1951.

(*b*) They do not apply to—

(*i*) those who became members of the Service in accordance with clauses (*a*), (*b*) and (*c*) of sub-rule (1) of rule 3 of the Indian Administrative Service (Recruitment) Rules, 1954 and such of those who being members of the Service in accordance with clause (*a*) of sub-rule (1) of rule 3 of the Indian Police Service (Recruitment) Rules, 1954 did not opt for the Liberalized Pension Rules, as applicable to officers of the Central Services, Class I;

(*ii*) those members of the service who would have been confirmed, prior to the 21st October, 1946, in the Indian police but for the ban on such confirmation and who do not opt for these Rules within a period of three months from the date of the issue of this notification, and those members of the Service who would have been confirmed prior to 21st October 1946 in the listed posts in the Indian Civil Service but for the ban on such confirmation.

(Notification No 2/11/58—A/S III dated 2-9-1959 of the Govt. of India Ministry of Home Affairs.)

(*iii*) those members of the Service who were promoted to the Service from the State Services or were appointed to the service under the Indian Administrative Service (Extension to States) Scheme or the Indian Police Service (Extension to States) Scheme and who under orders issued by the Central Government before the coming into force of these rules were given an option in the matter of pension rules by which they would be governed and who in exercise of that option, chose to be governed by the Superior Civil Services Rules and the Civil Service Regulations, or the pension rules of the State concerned, as the case may be.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires:—

(*a*) "Accounts Officer" means such officer as may be appointed by the Comptroller and Auditor-General of India ;

(*b*) "death-*cum*-retirement gratuity" means the lump sum granted to a member of the Service or his family in accordance with rule 19 ;

(*c*) "gratuity" means the lumpsum specified in Schedule A which may be granted to a person retiring from the Service before completion of 10 years of qualifying service ,

(*d*) "leave rules" means the All India Services (Leave) Rules, 1955 ;

(*e*) "leave with allowances" means leave other than extraordinary leave and includes earned leave in excess of 120 days where one spell of earned leave exceeds 120 days

(*f*) "member of the Service" means a member of the Indian Administrative Service or the Indian Police Service, as the case may be ;

(*g*) "pay" means the monthly substantive pay ;

(*h*) "pension" means the amount payable monthly under rule 18 to a person who has retired from the Service, in recognition of the services rendered by him to Government ;

(*i*) "personal pay" means additional pay granted to a member of the Service in exceptional circumstances, on personal considerations ;

(*j*) "retirement benefits" includes pension or gratuity and death-*cum*-retirement gratuity where admissible ,

(*k*) "schedule" means a Schedule to these rules ;

(*l*) "special pay" means an addition of the nature of pay to the emoluments of a post or of a member of the Service granted in consideration of—

(*i*) the specially arduous nature of the duties; or

(*ii*) a specific addition to the work or responsibility; or

(*iii*) the unhealthiness of the locality in which the work is performed ;

(*m*) "State Government" means the State Government on whose cadre the member of the Service was borne immediately before retirement or death.

(2) The Central Government may withhold or withdraw any fined therein but defined in the Pensions Act, 1871 (23 of 1871) or the General Clauses Act, 1897 (10 of 1897), or in the Leave Rules shall have the meanings respectively assigned to them in the said Acts or in the said Rules.

3. *General Conditions.*—(1) Future good conduct of the pensioner is an implied condition of every grant of pension and its continuance.

(2) The Central Government may withhold or withdraw any pension or any part of it, for a specified period or indefinitely on a reference from the State Government concerned, if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct.

(3) The decision of the Central Government on any question of withholding or withdrawing the whole or any part of the pension under sub-rule (2) shall be final.

4. *Limitation.*—A member of the Service cannot earn two pensions in the same office at the same time, or by the same continuous service.

5. *Removal, Dismissal or Resignation from Service.*—(1) No retirement benefits may be granted to a person who has been dismissed or removed from the Service or who has resigned from the Service :

Provided that, if the circumstances of the case so warrant, the State Government may grant to a person who has been dismissed or removed from the Service a compassionate allowance not exceeding two thirds of the retirement benefits which would have been admissible to him if he had been invalided and not dismissed or removed from the Service

(2) Where a member of the Service is required to retire or resign from the Service as a condition of his appointment under a statutory or other body, he shall be granted the retirement benefits to which he would have been entitled if he had been invalided from the Service and not resigned or retired.

6. *Recovery from Pension.*—The Central Government reserves to itself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from pension of the whole or part of any pecuniary loss caused to the Central or a State Government, if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct, or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence, during his service, including service rendered on re-employment after retirement :

Provided that—

(*a*) such departmental proceedings, if not instituted while the pensioner was on duty either before retirement or during re-employment,—

(*i*) shall not be instituted save with the sanction of the Central Government ;

(*ii*) shall be in respect of an event which took place not more than four years before the institution of such proceedings ; and

(*iii*) shall be conducted by such authority and in such place or places as the Central Government may direct and in accordance with the procedure applicable to proceedings on which an order of dismissal from service may be made ; and

(*b*) such judicial proceedings, if not instituted while the pensioner was on duty either before retirement or during re-employment, shall have been instituted in accordance with sub-clause (*ii*) of clause (*a*) ;

Explanation.—For the purposes of this rule—

(*a*) departmental proceedings shall be deemed to have been instituted when the charges framed against the pensioner are issued to him or, if the officer has been placed under suspension from an earlier date, on such date; and

(*b*) judicial proceedings shall be deemed to have been instituted—

(*i*) in the case of criminal proceedings, on the date on which a complaint is made or a charge-sheet is submitted, to the criminal court, and

(*ii*) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is made, to a civil court.

7. *Compulsory Retirement as a Measure of Penalty.*—(1) A member of the Service who as a measure of penalty is compulsorily retired from the Service by the Central Government in accordance with the provisions of the All India Services (Discipline and Appeal) Rules, 1955, may be granted retirement benefits on the basis of his qualifying service on the date of such compulsory retirement on the appropriate scales indicated in Schedules 'A' and 'B'.

(2) If a member of the Service compulsorily retired from the Service dies within 5 years of such retirement, his family as defined in rule 21 may be granted a family pension subject to the provisions contained in rule 22, for the unexpired portion of 5 years.

8. *Qualifying service*—(1) Unless provided otherwise in these Rules, qualifying service of a member of the Service for purposes of these Rules begins from the date of his substantive appointment to the Service :

Provided that in the case of a member of the Service appointed initially on probation the period of probation shall also count as qualifying service.

(2) Any period of service under the Central or a State Government rendered by a member of the Service prior to his appointment to the Service shall count as qualifying service under these Rules to the extent to which such service would have counted as qualifying service for pension under the rules applicable to him prior to his appointment to the Service provided that the service is otherwise continuous :

Provided that if such service was temporary and was followed up by confirmation without a break, only one-half of the period of such temporary service shall count as qualifying service.

Explanation.—For the purpose of this sub-rule—

(1) Leave of any kind or suspension followed by reinstatement does not constitute a break.

(2) Service under a State Government includes the service rendered before migration into India as a result of the Partition in States which have since become part of Pakistan. Breaks in service, if any, caused at the time of such migration due to reasons beyond the control of the member of the Service may be condoned by the State Government but the period of the break or breaks will be ignored in determining the total length of qualifying service.

(3) (*a*) A member of the Service who was appointed to the Service against a war reserved vacancy which arose for direct recruitment before the 1st January 1948 shall count as qualifying service the completed years of his paid, wholetime, enlisted or commissioned war service satisfactorily rendered between the 3rd September 1939 and the 1st April 1946, if—

(*i*) such service was rendered, in the case of the Indian Administrative Service after the age of 21 years and in the case of Indian Police Service, after the age of 19 years, in the Armed Forces of India or similar forces of a Commonwealth country; and

(*ii*) such service did not earn a pension under the Military, Naval or Air Force Rules :

Provided that the period that can be counted as qualifying service under this sub-rule shall be subject to a maximum of 5 years

(*b*) No refund of bonus or gratuity received by a member of the Service in respect of such war service shall be demanded in lieu of counting the war service as qualifying service under this sub-rule

(4) A member of the Service who rendered war service not covered by sub-rule (3) shall count that service as qualifying service to the extent to which such service is counted as qualifying for pension under the Civil Service Regulations as applicable to members of the Central Services, Class I or under any orders that, might be issued by the Central Government in this behalf.

(5) A member of the Service who prior to his appointment to the Service held a post in the General Administrative Reserve or a post under Government on a contract basis, shall have the option to count the period of his service in such post as qualifying for pension under these Rules, to the extent of half provided that the service is otherwise continuous.

The option under this sub-rule shall be exercised within a period of three months from the date of coming into force of these Rules or within three months of appointment to the Service, whichever is later. The option, once exercised, shall be treated as final.

Where a member of the Service exercises the option to count his previous service in the General Administrative Reserve or on contract basis, the amount of Government contributions with interest thereon standing to his credit in any contributory provident fund to which he might have been admitted, shall be surrendered and credited to Consolidated Fund of the State, or as the case may be, of the Union, while the amount of his own subscriptions to that fund, if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Services Provident Fund :

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest in a suitable number of instalments, to be prescribed by the State Government.

(6) A member of the Service who prior to his appointment to the Service held a post under Government carrying contributory provident fund benefits shall have the option to count as qualifying service the period of his service in such a post during which he actually subscribed to the contributory provident fund to the extent indicated below :

(*i*) the whole of permanent service ;

(*ii*) the whole of the temporary or officiating service which would have qualified for pension if the provisions of Articles 370 and 371 of the Civil Service Regulations were applicable to him ; and

(*iii*) half of the remaining officiating or temporary service subject to the conditions indicated in the proviso to sub-rule (2).

The option under this sub-rule shall be exercised within a period of three months from the date of coming into force of these Rules or within three months of appointment to the Service, whichever is later. The option once exercised shall be final.

Where a member of the Service exercises the option, the amount of Government contributions together with interest thereon standing to his credit in that fund shall be surrendered and credited to the Consolidated Fund of the State or, as the case may be, of the union, while the amount of his own subscriptions to that fund if not already withdrawn, together with interest thereon shall be transferred to his account in the All India Services Provident Fund :

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest in a suitable number of instalments to be prescribed by the State Government.

(7) Foreign service rendered by a member of the Service shall count as qualifying service provided that contributions towards the cost of retirement benefits of the member of the Service, at such rates as the Central Government may prescribe from time to time, have been paid either by the foreign employer or, failing that, by the member of the Service himself, in respect of the entire period of foreign service, unless the payment of contributions has been waived by Government.

(8) 'Authorised Joining Time' availed of by a member of the Service shall count as qualifying service.

(9) A fraction of a year shall not be taken into account in calculating the total qualifying service.

9. *Counting of periods of leave as qualifying service.*—(1) Any period of earned leave not exceeding 120 days in any one spell and where any one spell exceeds 120 days, the first 120 days shall count as qualifying service

Explanation.—Earned leave alternating with either deputation out of India or leave on half pay shall be treated as one spell of leave and shall not be treated as two spells of earned leave.

(2) Subject to the provisions of sub-rules (3) and (4) leave with allowances shall count as qualifying service to the extent indicated below:—

If the total service of the member of the Service is not less than	he counts as qualifying service a period of leave out of India not exceeding	he counts as qualifying service a period of leave in India not exceeding
1	2	3
15 years	1 year	1 year
20 years	2 years	1 year
25 years	3 years	1 year
30 years	4 years	2 years
35 years	5 years	2 years

NOTE 1.—The periods in columns 2 and 3 are not cumulative that is, a member of the Service may not count two years' leave in 15 years' service or more than 4 years' leave in thirty years' service. The maximum amount of leave both in and out of India which may be counted is that shown in column 2.

NOTE 2.—Total service for the purpose of column 1 of the table in the sub-rule shall be reckoned from the date of commencement of qualifying service and shall include all periods of leave but shall not include war service qualifying for pension under sub-rules (3) and (4) of rule 8.

NOTE 3.—Half pay leave commuted under rule 13 of the Leave Rule shall count as leave with allowances.

(3) Any period of special disability leave or study leave availed of by a member of the Service shall count as qualifying service.

(4) Where maternity leave availed by a member of the Service, whether alone or in combination with some other form of leave on full pay (except special disability leave) exceeds 120 days the first 120 days only of the entire spell of leave shall count as qualifying service.

(5) Leave granted by foreign employer to a member of the Service while on foreign service out of India under sub-rule (1) of rule 27 of the Leave Rules, shall be treated as leave and not as duty for purposes of computing qualifying service.

10. *Counting of periods of deputation or leave outside India for purposes of qualifying service.*—(1) Where a member of the Service is deputed out of India on duty, the whole period of his absence from India on such deputation shall count as qualifying service.

(2) Where a member of the Service on leave out of India is employed, or is detained on duty out of India after the termination of his leave, the period of such employment or detention shall count as qualifying service :

Provided that the periods of deputation converted into leave shall count for purposes of qualifying service as leave and not as deputation.

(3) Time spent on journey to India by a member of the Service who is recalled to duty before the expiry of any duly sanctioned leave out of India counts as qualifying service.

11. *Periods not qualifying as service for pension.*—The following periods of service of a member of the Service do not count as qualifying service for pension :

(1) Time passed under suspension by a member of the Service pending enquiry into his conduct if the suspension is not immediately followed by reinstatement

(2) Leave other than leave which counts as qualifying service under rule 9.

(3) Unauthorised absence in continuation of authorised leave of absence or joining time :

Provided that where a member of the Service who has been suspended pending disciplinary proceedings regarding his conduct is reinstated, but with forfeiture of any part of his pay and allowances for the period of his suspension, such period shall count as qualifying service under these Rules only to such extent and in accordance with such directions as the Competent Authority may issue under clause (*b*) of sub-rule (3) of rule 9 of the All India Services (Discipline and Appeal) Rules, 1955.

12. *Interruption in service and condonation of break in service.*—(1) An interruption in the service of a member of the Service entails forfeiture of his past service except in the following cases :—

(*i*) Authorised leave of absence.

(*ii*) Unauthorised absence in continuation of authorised leave of absence

(*iii*) Suspension where it is immediately followed by reinstatement or where the member of the Service dies or is permitted to retire or is retired, while under suspension.

(*iv*) Time occupied in transit on transfer from one appointment to another.

(2) In a case where war service is counted as qualifying service under sub-rules (3) and (4) of rule 8, the break in such service as well as any break between such service and subsequent service in a civil post under Government shall be treated as condoned, but the period or periods of break as such shall not count as qualifying service.

13. *Invalid gratuity or pension.*—(1) Where the Government has reason to believe that a member of the Service is suffering from :

(*a*) a contagious disease or

(*b*) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties.

It may direct him to undergo medical examination with a view to retire him from service on invalid gratuity or pension, as the case may be.

A member of the Service also may, if he feels that he is not in a fit state of health to discharge his duties, apply to the Government for retirement on invalid gratuity or pension as the case may be.

(2) An invalid gratuity or pension and death-*cum*-retirement gratuity where admissible shall be granted to a member of the Service who having appeared under the directions of the Government or on his own application before a duly constituted Medical Board, is certified by that Medical Board, by bodily or mental infirmity, to be permanently incapacitated for further service

(3) The medical certificate of incapacity shall be attested—

(*a*) if the member of the Service is on leave out of India, by a Medical Board to be convened for the purpose by the Indian Mission in the country in which the member of the Service is on leave ;

(*b*) in other cases, by the Medical Board to be convened by the Chief Administrative Medical Officer of the State in which the member of the Service is on duty or on leave. The Chief Administrative Medical Officer shall, wherever practicable, preside over such a Board.

(4) Save where he is on leave out of India no member of the Service shall apply for a medical certificate of incapacity and no such certificate shall be granted unless—

(*a*) the applicant produces evidence to show that the Government is aware of his intention to appear before the Chief Administrative Medical Officer and

(*b*) the Chief Administrative Medical Officer is informed about the age of the applicant as recorded in his history of services and is supplied with a statement of the leave taken by him during the three years immediately preceding and of the history of the medical case and the treatment adopted, as far as possible.

(5) If the Medical Board, although unable to discover any specific disease in the member of the Service, considers him incapacitated for further service by general debility while still under the age of fifty-five years, it shall give detailed reasons for its opinion Wherever possible a second medical opinion shall in such cases be obtained.

NOTE.—In a case of this kind a statement giving the grounds on which it is proposed to invalid a member of the Service shall be forwarded to the Medical Board by the Government under whom he is serving.

(6) A certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a member of the Service on invalid gratuity or pension.

(7) The Medical Certificate shall be in the form set forth in Schedule 'C'

14. *Restrictions on the grant of invalid gratuity or pension.*—(1) A member of the Service who is discharged from the Service on grounds other than those specified in rule 13 shall have no claim to invalid gratuity or pension or death-*cum*-retirement gratuity even though he produces medical evidence of incapacity for Service.

(2) If the incapacity is directly due to irregular or intemperate habits no invalid gratuity or pension or death-*cum*-retirement gratuity shall be granted to a member of the Service If it has not been directly

caused by such habits but has been accelerated or aggravated by them it shall be for the Central Government to decide what reduction, if any, shall be made on this account in the retirement benefits otherwise admissible.

NOTE (1)—The mere fact that a member of the Service has suffered from syphilis taken by itself, is not sufficient to bring his case under the operation of this rule

(2) Unsoundness of mind caused by drug habits shall be taken as sufficient to bring his case under the operation of this rule

(3) The expression "irregular or intemperate habits" occurring in this rule refers to incapacity on account of drug habits or on account of diseases resulting from immoral habits. Cases where incapacity was due to other causes, e g., work at irregular hours during war and after due to exigencies of service and not due to own volition, do not come under the purview of this rule.

15 *Retirement from service of a member of the Service in certain cases and grant of leave*—(1) A member of the Service who has been declared by a Medical Board to be permanently incapacitated for further service shall, if he is on duty be invalided from service from the date of relief which shall be arranged without delay on receipt of the report of the Medical Board or, if he is granted leave under sub-rule (2), on the expiry of such leave .

Provided that if he is on leave at the time of receipt of the report of the Medical Board, he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (2).

(2) A member of the Service in respect of whom a Medical Board has reported that there is no reasonable prospect of his ever being fit to return to duty, may not be granted leave except as follows :—

(*a*) If the Medical Board is unable to say with certainty that the member of the Service will never again be fit for service, leave not exceeding 12 months in all may be granted to him. Such leave shall not be extended without further reference to a Medical Board.

(*b*) If a member of the Service has been declared by the Medical Board to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the Medical Board has been received, provided that the amount of leave so granted, together with any period of duty beyond the date on which the Medical Board signed their report, shall not exceed 6 months.

16. *Superannuation gratuity or pension.*—(1) A member of the Service shall be required compulsorily to retire from the service with effect from the date on which he attains the age of 55 years.

Provided that he may be retained in service after the date of compulsory retirement on public grounds which shall be recorded in writing—

(*a*) for an aggregate period not exceeding six months by the State Government ; and

(*b*) for any period beyond six months, with the sanction of the Central Government :

Provided further that a member of the Service shall not be retained in service beyond the age of 60 years except in very special circumstances.

(2) A member of the Service under suspension on a charge of misconduct shall not be required or permitted to retire from the service, but shall be retained in service until the enquiry into the charges against him is concluded and a final order is passed

(3) Where a member of the Service is granted any leave under rule 9 of the Leave Rules which extends beyond the date on which he must compulsorily retire, the grant of such leave shall automatically carry with it an extension of service for the period of such leave.

(4) A superannuation gratuity or pension shall be granted to a member of the Service who is required to retire under sub-rule (1) of this rule.

17. *Retiring Pension.*—(1) A member of the Service who has completed 30 years' of qualifying service may retire from the service after giving at least three months' previous notice in writing to the State Government.

(2) The State Government may, with the approval of the Central Government and after giving him at least three months' previous notice in writing, require a member of the Service who has completed 30 years of qualifying service to retire from the service.

(3) A retiring pension and death-*cum*-retirement gratuity, shall be granted to a member of the Service who retires under sub-rule (1) or who is retired under sub-rule (2).

18. *Amount of Gratuity or Pension.*—The amount of invalid, superannuation or retiring pension or gratuity admissible under rule 13, 16 or 17 shall be on the scale prescribed in column 2 of Schedule A subject to the maximum amount specified in column 3 or column 4 as may be applicable.

19. *Death*-Cum-*retirement gratuity*—(1) Subject to the provisions of rule 14 a member of the Service who retires or is retired under rule 13, 16 or 17 and has on the date of such retirement completed 5 years qualifying service may be granted a death-*cum*-retirement gratuity not exceeding the amount specified in sub-rule (3).

(2) If a member of the Service who has completed 5 years' qualifying service dies while in service, a death-*cum*-retirement gratuity not exceeding the amount specified in sub-rule (3) may be paid to the person or persons on whom the right to receive such gratuity is conferred under rule 21 and , if there is no such person, it may be paid in the manner indicated below :

(*i*) If there are one or more surviving members of the family as in items (*i*), (*ii*) and (*iii*) of clause (*a*) of sub-rule (1) of rule 21, it may be paid to all such members other than any such member who is a widowed daughter, in equal shares.

(*ii*) If there are no such surviving members of the family as in clause (*i*) above, but there are one or more surviving widowed daughters and/or one or more surviving members of the family as in items (*iv*), (*v*) and (vi) of clause (*a*) of sub-rule (1) of rule 21, it may be paid to all such members, in equal shares.

(3) (*a*) The death-*cum*-retirement gratuity shall be paid on the scale prescribed in column 2 of Schedule 'B' subject to the maximum of 15 times the emoluments and also to the maximum amount specified in column 3 or column 4, as may be applicable, of that Schedule :

Provided that in the event of death of a member of the Service, while in service, the death-*cum*-retirement gratuity shall be subject to a minimum of 12 times his emoluments at the time of death ;

(*b*) If a member of the Service who has become eligible for gratuity or pension dies after he has retired from the Service, and the sums to which he had become entitled at the time of his death on account of such gratuity or pension together with the death-*cum*-retirement gratuity granted under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than an amount equal to 12 times his emoluments, a gratuity equal to the deficiency may be granted to the person or persons specified in sub-rule (2).

NOTE.—The term emoluments occurring in this sub-rule is, in the case of members of the Service other than the members of the Indian Police Service who retired or died before 17th April, 1956 subject to a maximum of Rs. 1,800 per mensem and in the case of the latter is subject to a maximum of Rs. 1,500 per mensem.

20. *Conditions for grant of Retirement Benefits.*—(1) The full retirement benefits admissible under these rules shall not be given as a matter of course or unless the service has been thoroughly satisfactory.

(2) If the service has not been thoroughly satisfactory, a reduction in the amount of retirement benefits otherwise admissible under these Rules may be made by the Central Government on the recommendation of the State Government to such extent as the Central Government may deem appropriate :

Provided that the retirement benefits once granted shall not be reduced on the ground that proof of the service not having been thoroughly satisfactory became available after the sanction.

(3) Any case in which retirement benefits or compassionate allowance has been sanctioned shall not unless there are special grounds for doing so be reopened on the ground that the amount sanctioned is less than the maximum admissible under these rules.

NOTE 1.—This rule shall not be used directly to effect a penal recovery but Government shall be justified in making proof of a specific instance of fraud or negligence on the part of a member of the Service, the ground for a finding that his service has not been thoroughly satisfactory within the meaning of this rule for the purpose of reducing his retirement benefits.

NOTE 2.—The measure of the reduction in the amount of retirement benefits made under this rule shall be to the extent by which the service of the member of the Service as a whole failed to reach a thoroughly satisfactory standard and the reduction in the amount of retirement benefits shall not be equated with the amount of loss to Government on account of negligence or fraud of the member of the Service.

NOTE 3.—This rule contemplates permanent reduction in the amount of retirement benefits ordinarily admissible and does not admit of the reduction of pension payable in respect of any one particular year.

21 *Nominations.*—(1) For the purpose of this rule—

(*a*) "family" shall include the following relatives of the member of the Service :—

(*i*) wife or husband ;

(*ii*) sons ;

(*iii*) unmarried and widowed daughters ,

(*iv*) brothers below the age of 18 years , and unmarried or widowed sisters ,

(*v*) father, and

(*vi*) mother.

NOTE 1.—Items (*ii*) and (*iii*) will include step children

NOTE 2 —An adopted son or an adopted daughter may be treated as son or daughter for the purpose of this rule provided that the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Solicitor to the State Government, is satisfied that under the personal law of the member of the Service adoption is legally recognized as conferring the status of a natural child.

(*b*) 'Person' shall include any company or association or body of individuals whether incorporated or not.

(2) A member of the Service shall, soon after confirmation in the Service make a nomination conferring on one or more persons the right to receive the death-*cum*-retirement gratuity that may be sanctioned under sub-rule (2) or clause (*b*) of sub-rule (3) of rule 19 and any gratuity, which having become admissible to him under rule 18, had not been paid to him before his death.

Provided that :

(*i*) if at the time of making the nomination, the member of the Service has a family, the nomination shall not be in favour of any person or persons other than the members of his family, and

(*ii*) where the member of the Service has only one member in his family in whose favour the original nomination should be made the alternate nomination can be made in favour of any person who is not a member of his family or in favour of a body of persons corporate or incorporate.

(3) If a member of the Service nominates more than one person under sub-rule (2), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole amount of death gratuity.

(4) A member of the Service may provide in a nomination—

(*a*) in respect of any specified nominee that in the event of his predeceasing the member of the Service, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination :

Provided that if at the time of making the nomination, the member of the Service has a family consisting of more than one member, the person to be specified shall not be a person other than a member of his family ; and

(*b*) that the nomination shall become invalid in the event of the happening of a contingency specified therein.

(5) The nomination made by a member of the Service who has no family at the time of making it, or a provision made in a nomination under clause (*a*) of sub-rule (4) by a member of the Service whose family

consists, at the time of making the nomination of only one member, shall become invalid in the event of the member of the Service subsequently acquiring a family or an additional member in the family, as the case may be.

(6) Every nomination shall be in such one of the forms given in the Schedules D to G, as may be appropriate in the circumstances of the case

(7) (*a*) A member of the Service may at any time cancel a nomination by sending a notice in writing to his Accounts Officer :

Provided that the member of the Service shall along with such notice send a fresh nomination made in accordance with this rule.

(*b*) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (*a*) of sub-rule (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (*b*) of that sub-rule or sub-rule (5), a member of the Service shall send to his Accounts Officer a notice in writing formally cancelling the nomination together with a fresh nomination made in accordance with this rule.

(8) Every nomination made and every notice of cancellation given by a member of the Service under this rule shall be sent by him to his Accounts Officer

(9) Every nomination made and every notice of cancellation given by a member of the Service shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer

22. *Family Pension.*—(1) A family pension not exceeding the amount specified in sub-rule (3) may be granted to the family of a member of the Service in the event of his death after he had completed 20 years' qualifying service.

Provided that, in exceptional circumstances, the Central Government may also grant a family pension to the family of a member of the Service who may die after completing less than 20 years' qualifying service but not less than 10 years qualifying service.

(2) The total period for which a family pension may be paid shall be 10 years :

Provided that the period of payment of family pension shall in no case extend beyond a period of 5 years from the date on which the member of the Service actually retired, or on which he would have retired on superannuation pension in the normal course, according as the death takes place after retirement or while the member of the Service was in service.

NOTE.—In the case of a member of the Service who dies while on extension of service, the expression "date on which he would have retired on superannuation pension in the normal course" in the above proviso shall mean the date up to which extension of service had been sanctioned to him before his death.

(3) Subject to the maximum of Rs. 150 per mensem the amount of family pension shall be—

(*a*) in the event of death while in service, half the pension admissible to a member of the Service had he retired on a superannuation pension on the date following the date of death ,

(*b*) in the event of death after retirement, half the pension sanctioned for him at the time of retirement
If, however, a member of the Service mentioned in clause (*b*) has commuted a part of his pension before his death, that part of pension shall be deducted from the family pension calculated as above

(4) " Family " for the purpose of this rule shall have the same meaning as in sub-rule (1) of rule 21

(5) No family pension shall be payable under this rule—

(*a*) to a person mentioned in clause (*b*) of sub-rule (6) without the production of reasonable proof that the person was dependent on the member of the Service for support ,

(*b*) to an unmarried woman member of the family of the member of the Service. in the event of her marriage ,

(*c*) to a widowed woman member of the family of the member of the Service, in the event of her remarriage ;

(*d*) to a brother of a member of the Service, on the former attaining the age of 18 years ; and

(*e*) to a person who is not a member of the family of the member of the Service.

(6) Except as may otherwise be provided by a nomination under sub-rule (7)—

(*a*) a family pension under this rule shall be allowed—

(*i*) to the eldest surviving widow if the deceased was a male member of the Service or to the husband if the deceased was a woman member of the Service ;

Explanation.—The expression 'eldest surviving widow' shall be construed with reference to the seniority according to the date of the marriage with the member of the Service and not with reference to the ages of the surviving widows.

(*ii*) failing a widow or husband, as the case may be, to the eldest surviving son ;

(*iii*) failing (*i*) and (*ii*) to the eldest surviving unmarried daughter ;

(*iv*) failing the above, to the eldest widowed daughter; and

(*b*) in the event of no family pension becoming payable under clause (*a*), family pension may be granted—

(*i*) to the father ;

(*ii*) failing (*i*) above, to the mother ;

(*iii*) failing (*i*) and (*ii*) above, to the eldest surviving brother below age of 18 ;

(*iv*) failing (*i*) to (*iii*) above, to the eldest surviving unmarried sister ;

(*v*) *failing* (*i*) to (*iv*) above, to the eldest surviving widowed sister

(7) If a member of the Service who has completed 10 years service desires that any family pension that may be sanctioned under this rule should be payable to any member of his family in any order to be specified by him, he may make a nomination for the purpose in the form given in Schedule H indicating the order in which the family pension should be payable to the members of his family and to the extent that it is valid, the family pension shall be payable in accordance with such nomination provided the persons concerned satisfy the requirements of sub-rule (5) at the time of the grant of such pension In case the person concerned does not satisfy the requirements of sub-rule (5), the family pension shall be granted to the person next lower in that order

NOTE.—The provisions of clause (*b*) of sub-rule (7), sub-rule (8) and sub-rule (9) of rule 21 shall apply in respect of nominations made under this sub-rule also

(8) (*a*) A family pension sanctioned under this rule shall not be payable to more than one member of the family of the member of the Service at the same time.

(*b*) If a family pension sanctioned under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (2) on account of the death or marriage of the recipient or other causes, it shall be re-granted for the unexpired portion of that period to a person next lower in the order shown in the nomination made under sub-rule (7) or in the absence of a nomination to the person in the order mentioned in sub-rule (6), who satisfies the other provisions of this rule.

(9) A family pension sanctioned under this rule shall be tenable in addition to any compensation or any extraordinary pension or gratuity that may be granted to the member of the pensioner's family under the existing Rules or Acts.

(10) Future good conduct of the recipient is an implied condition of every grant of a family pension under this rule and the Central Government reserves to itself the right of withholding or withdrawing such pension or any part of it, if the recipient be convicted of serious crime or is guilty of grave misconduct and the Central Government's decision in the matter shall be final

23. *Emoluments for purposes of calculation of Gratuity/Pension and Death-cum-Retirement Gratuity.*—(1) The term 'emoluments' used in these Rules shall be taken to mean the emoluments which the member of the Service was receiving immediately before his retirement or death as the case may be and shall include —

(*a*) substantive pay other than pay drawn in a tenure post :

(*b*) personal pay granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post and, if so directed by the Central Government, personal pay granted on any other personal consideration ;

(*c*) special pay including that drawn in a tenure post, if—

(*i*) Where the special pay is granted for a specific addition to work or responsibility, no post carrying such work or responsibility has been sanctioned ; or

(*ii*) where it is allowed in respect of a temporary appointment outside the ordinary line, the temporary appointment is not of a like character to any of the existing permanent appointments.

(*d*) officiating pay in a post which is substantively vacant and on which no officer holds a lien or in any post temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances or on transfer to foreign service ;

(*e*) such other pay or allowance which the Central Government may by general or special order classify as emoluments for the purpose of this rule.

(2) In the case of a member of the Service who is officiating in another permanent post which is substantively vacant "emoluments" means—

(*i*) the emoluments which would be taken into account under this rule in respect of the appointment in which he officiates, or

(*ii*) the emoluments which would have been taken into account under this rule had he remained in his substantive appointment ; whichever are more favourable to him.

(3) The monetary allowance attached to the King's Police Medal and the Indian Police Medal shall not be treated as forming part of the emoluments of the recipient for the purposes of this rule.

(4) The term 'average emoluments' means the average of the emoluments drawn during the last three years of service.

NOTE. (*i*)—If during the last three years of his service, a member of the Service has been absent on leave with allowances or having been suspended, has been reinstated without forfeiture of service, his emoluments for the purposes of ascertaining the average should be taken at what they would have been had he not been absent from duty or suspended.

(*ii*) If during the last three years of his service, a member of the Service has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period so passed does not count as qualifying service, the period of such leave or suspension shall be disregarded in the calculation of the average, an equal period before the three years being included

(*iii*) In the case of a member of the Service who, while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive emoluments, in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of his average emoluments

(*iv*) Except as provided in clauses (*i*), (*ii*) and (*iii*) above, only emoluments actually received shall be included in the calculation. For example, where a member of the Service is allowed to count time retrospectively towards increase of pay but does not receive retrospectively the intermediate periodical increments, these intermediate increments shall not be reckoned in the calculation of average emoluments.

(*v*) Periods of joining time which fall within the last three years of service of a member of the Service shall form part of the three years for the purpose of average emoluments.

(*vi*) Where the emoluments of a member of the Service have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments, may, at the discretion of Government, be substituted for emoluments for the purpose of calculation of the gratuity or death-*cum*-retirement gratuity admissible under rule 18 or rule 19

24 *Counting emoluments drawn in a post which carries a pay higher than the substantive pay.*—In the case of a member of the Service who quits service on an invalid, superannuation and retiring pension or invalid gratuity and who during the period from the 1st January, 1948 to the 31st December, 1962 holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity, where such post carries a rate of pay higher than his substantive pay but the increase over substantive pay does not count for pension or gratuity or death-*cum* retirement gratuity under clause (*d*) of rule 23 of these Rules:—

(*i*) his average emoluments for pension as calculated with reference to rule 23 shall be increased—

either

(*a*) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the 1st January 1948 and 31st December, 1962.

or

(*b*) by thirty-three and one-third per cent whichever is less.

(*ii*) The death-*cum*-retirement gratuity and gratuity where admissible, calculated on the basis of emoluments reckoned with reference to rule 23 shall be increased—

either

(*a*) by one-half of the difference between the amount so calculated and the amount which would have been arrived at as if such post or posts was permanent and he had held them substantively ;

or

(*b*) by thirty-three and one-third per cent, whichever is less :

Provided that the increase referred to in clauses (*i*) and (*ii*) shall be allowed only to such member of the Service as had held continuously a higher post or posts :

(*a*) for a period of not less than two complete years immediately before the date of his retirement :

or

(*b*) for two or more spells during the last three years of his service, the last spell covering a period of two years or more, in which case the concession shall be admissible in respect of all the spells.

NOTE. (1)—For the purposes of clauses (*i*) and (*ii*) all kinds of leave taken during the last two years of service shall be included in the two-year period, if it is certified that the member of the Service would have continued to hold the higher post or posts if he had not proceeded on leave.

(2) In the case of a member of the Service who while continuously holding a higher post or posts is confirmed in a higher post the period after confirmation may, where necessary, be included in the prescribed period of two years

(3) So long as a member of the Service holds a post higher than his substantive post for two complete years immediately before the date of his retirement, it is not necessary that he should have held the same higher post throughout that period

(*iii*) The concession allowed by this rule shall be admissible during a period of leave also provided that the member of the Service had continuously held a higher post or posts for two complete years immediately before proceeding on leave and it is certified that he would have continued to hold that post for the entire period if he had not proceeded on leave For the purposes of reckoning the two-year period, any spells of leave (including commuted leave and extraordinary leave) not exceeding four months at a time shall not constitute an interruption of duty.

(*iv*) The pension of a member of the Service who retired on or after the 29th October 1951, shall be revised in accordance with clause (*i*) but the increased pension shall have effect only from the 1st August 1952.

(*v*) From the increase in the amount of gratuity admissible under clause (*ii*) of this rule over the amount admissible calculated on the basis of emoluments reckoned with reference to rule 23, shall be deducted a sum, in respect of the period between the date of retirement and the 1st August, 1952, calculated at the rate of the monthly pension equivalent to the amount of increase on the basis of the commutation regulations framed by the Central Government under rule 25, with reference to the age next birthday after retirement.

(*vi*) Special pay which does not count as emoluments under rule 23 in view of the restrictions in sub-clauses (*i*) and (*ii*) of clause (*c*) of sub-rule (1) thereof shall be treated as 'officiating pay' or 'pay drawn in a temporary post', as the case may be, for the purpose of benefits under this rule.

25. *Commutation of pension.*—A member of the Service may commute his pension under such conditions and to such extent as may be prescribed by Regulations made in this behalf by the Central Government after consultation with the Governments of the States

26. *Acceptance of employment after retirement.*—(1) A pensioner shall not accept any commercial employment before the expiry of two years from the date of his retirement, except with the previous sanction of the Central Government. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine :

Provided that a pensioner who has been permitted by the Central Government to take up a particular commercial employment during leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after requirement.

Explanation (1)—"Commercial employment" means employment in any capacity including that of an agent, under a company, firm or individual, engaged in trading, commercial, industrial, financial or professional business, and includes a directorship of such company and a partnership in such firm.

Explanation (2)—For the purpose of this sub-rule the expression "the date of retirement" in relation to a pensioner re-employed after retirement without any break either in a Class I post under the Central Government or in an equivalent post under a State Government, shall mean the date on which such pensioner finally ceases to be so re-employed in Government service.

(2) A pensioner shall not accept any employment under a Government outside India, except with the previous sanction of the Central Government No pension shall be payable to a pensioner who accepts such an employment without such sanction in respect of any period for which he is so employed or for such longer period as the Central Government may determine

Provided that a pensioner who has been permitted by the Central Government to take up a particular employment under a Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for continuance in such employment.

NOTE —"Employment under a Government outside India" shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

27. *Anticipatory payments.*—(1) Where a member of the Service is likely to retire before his pension can be finally assessed and settled in accordance with these rules, the Accounts Officer shall sanction the disbursement to him of pension to which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the Service to be entitled, on the basis of his verified qualifying service, provided that such disbursement shall be made only after the declaration specified in Schedule 'I' has been signed by the retiring member of the Service.

(2) If the Accounts Officer considers it likely that, in a case contemplated under sub-rule (1), the member of the Service would be entitled to gratuity only, one-sixth of the amount of gratuity which, after the most careful summary investigation that the Accounts Officer can make without delay, he believes the member of the Service to be entitled shall, upon a similar declaration, be disbursed to him monthly until the amount is finally settled or for six months, whichever period is less.

(3) The payment of the anticipatory pension or gratuity shall be so arranged that it is not delayed beyond the first day of the month following the month in which the member of the Service is due to retire.

(4) If, upon the completion of regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference shall be adjusted in the first payment after such final settlement :

Provided that if a gratuity summarily assigned under sub-rule (2) proves to be larger than the amount finally settled, the retired member of the Service shall not be required to refund any excess actually paid to him unless otherwise decided by the State Government.

(5) Subject to the general conditions prescribed above, the anticipatory payments of death-*cum*-retirement gratuity and family pension may also be sanctioned to the extent of ¾ths of the amounts clearly admissible on the basis of the qualifying service as verified upto the date of sanction, and after a declaration in the form given in Schedule 'I' has been signed by the recipient.

28. *Miscellaneous.*—(1) Retirement benefits under these Rules shall be calculated to the nearest multiple of 5 naye paise :

Provided that the retirement benefits in respect of a member of the Service who retired prior to the 1st April, 1957 shall be calculated to the nearest anna, that is, where the exact amount works out to six pies or more, it shall be taken to the next higher anna, amounts below six pies being disregarded.

(2) The retirement benefits under these Rules shall be drawn in rupees in India only.

(3) Applications for the grant of retirement benefits under these Rules shall be made in such form as may be prescribed by the Central Government.

(4) The sanction and payment of retirement benefits admissible under these Rules shall be regulated by such procedural instructions as may be issued by the Central Government.

(5) A pension under these Rules shall be payable from the date on which the member of the Service quits service or from the date of his application for pension whichever is later :

Provided that where satisfactory explanation is forthcoming for the delay in making an application for pension, the State Government may allow the pension to take effect from the date on which the member of the Service quits service.

(6) The claim of a member of the Service to the retirement benefits shall be regulated by the rules in force at the time when the member of the Service resigns, retires or is retired or discharged from service or where the member of the Service dies while in service immediately before death.

(7) The authorities competent to retire a member of the Service on different kinds of retirement benefits shall be those indicated in Schedule J.

29. *Interpretation.*—If any question arises relating to the interpretation of these Rules it shall be referred to the Central Government whose decision thereon shall be final.

30. *Repeal.*—All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.

Schedule A.

GRATUITY OR PENSION

Completed years of qualifying service	Scale of Gratuity or Pension	Maximum Pension [per annum]. Members of the Service other than those specified in column 4	Maximum Pension [per annum]. Members of the Indian Police Service who retired before 17th April, 1956
1	2	3	4
	(a) Gratuity		
1.	1 Month's emoluments		
2.	2 ,, ,,		
3.	3 ,, ,,		
4.	4 ,, ,,		
5.	4 3/4 ,, ,,		
6.	5 1/2 ,, ,,		
7.	6 1/4 ,, ,,		
8.	7 ,, ,,		
9.	7 3/4 ,, ,,		
	(b) Pension		
10.	10/80ths of average emoluments ..	2700	2250
11.	11/80ths ,, ,, ..	2970	2475
12.	12/80ths ,, ,, ..	3240	2700
13.	13/80ths ,, ,, ..	3510	2925
14.	14/80ths ,, ,, ..	3780	3150
15.	15/80ths ,, ,, ..	4050	3375
16.	16/80ths ,, ,, ..	4320	3600
17.	17/80ths ,, ,, ..	4590	3825
18.	18/80ths ,, ,, ..	4860	4050
19.	19/80ths ,, ,, ..	5130	4275
20.	20/80ths ,, ,, ..	5400	4500
21.	21/80ths ,, ,, ..	5670	4725
22.	22/80ths ,, ,, ..	5940	4950
23.	23/80ths ,, ,, ..	6210	5175
24.	24/80ths ,, ,, ..	6480	5400
25.	25/80ths ,, ,, ..	6750	5625
26.	26/80ths ,, ,, ..	7020	5850
27.	27/80ths ,, ,, ..	7290	6075
28.	28/80ths ,, ,, ..	7560	6300
29.	29/80ths ,, ,, ..	7830	6525
30. and above.	30/80ths ,, ,, ..	8100	6750

Schedule B.

DEATH-CUM-RETIREMENT GRATUITY

Completed years of qualifying service	Scale of Death-*cum*-Retirement Gratuity	Maximum Death-*cum*-Retirement Gratuity	
		Members of the Service other than those specified in column 4	Members of the Indian Police Service who retired before 17th April, 1956
1	2	3	4
1.			
2.			
3.			
4.			
5.	5 times 9/20 of emoluments	4,050	3,375
6	6 ,, ,, ,,	4,860	4,050
7.	7 ,, ,, ,,	5,670	4,725
8.	8 ,, ,, ,,	6,480	5,400
9.	9 ,, ,, ,,	7,290	6,075
10.	10 ,, ,, ,,	8,100	6,750
11	11 ,, ,, ,,	8,910	7,425
12.	12 ,, ,, ,,	9,720	8,100
13.	13 ,, ,, ,,	10,530	8,775
14.	14 ,, ,, ,,	11,340	9,450
15.	15 ,, ,, ,,	12,150	10,125
16.	16 ,, ,, ,,	12,960	10,800
17.	17 ,, ,, ,,	13,770	11,475
18.	18 ,, ,, ,,	14,580	12,150
19.	19 ,, ,, ,,	15,390	12,825
20.	20 ,, ,, ,,	16,200	13,500
21.	21 ,, ,, ,,	17,010	14,175
22.	22 ,, ,, ,,	17,820	14,850
23.	23 ,, ,, ,,	18,630	15,525
24.	24 ,, ,, ,,	19,440	16,200
25.	25 ,, ,, ,,	20,250	16,875
26.	26 ,, ,, ,,	21,060	17,550
27.	27 ,, ,, ,,	21,870	18,225
28.	28 ,, ,, ,,	22,680	18,900
29.	29 ,, ,, ,,	23,490	19,575
30.	30 ,, ,, ,,	24,000	20,250
31.	31 ,, ,, ,,	24,000	20,925
32.	32 ,, ,, ,,	24,000	21,600
33.	33 ,, ,, ,,	24,000	22,275
34. and above.	15 times of emoluments	24,000	22,500

Schedule C.

(*a*) *Form of Medical Certificate in India*

The form of the certificate to be given respecting a member of the Service in India is as follows:—

" Certified that we have carefully examined A.B., son of C.D.......... ..... . holding the post of ....under the Government........ . ... .His age is by his own statement .... years, and by appearance about ....years, we consider A B., to be completely and permanently incapacitated for further service of any kind in the Indian Administrative Service/Indian Police Service in consequence of (here state disease or cause). His incapacity does not appear to us to have been caused by irregular or intemperate habits."

NOTE.—(If the incapacity is obviously the result of intemperance, substitute for the last sentence. " In our opinion his incapacity is the result of irregular or intemperate habits ").

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made: " We are of opinion that A.B., is fit for further service of a less laborious character than that which he has been doing (or may, after resting for ....months, be fit for further service of a less laborious character than that which he has been doing.')

(*b*) *Form of Medical Certificate in countries outside India.*

The form of the medical certificate given by the Medical Board attached to the Indian Mission abroad in respect of a member of the Service in a station outside India is as follows:—

" We have carefully examined A.B........... ... .taking into account all the facts of the case as well as his present condition, we consider that A.B. is permanently incapacitated for further service in India."

NOTE.—(If the incapacity is obviously the result of intemperance, add the following sentence at the end:—

" In our opinion his incapacity is the result of irregular or intemperate habits.").

Schedule D

NOMINATION FOR DEATH-*cum*-RETIREMENT GRATUITY

When the member of the Service has a family and wishes to nominate one member thereof

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death, while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and Address of nominee	Relationship with the member of the Service	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the service

Dated this................day of............19 , at........................

Signature of the member of the Service.

Witnesses to signature:

1.

2.

Schedule E

NOMINATION FOR DEATH-*cum*-RETIREMENT GRATUITY

When the member of the Service has a family and wishes to nominate more than one member thereof

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death:—

Name and Address of nominees	Relationship with the member of the Service	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of nominee predeceasing the member of the Service

Dated this...............day of.............19 , at......................

Signature of the member of the Service.

Witnesses to signature.

1.

2.

*This column should be filled in so as to cover the whole amount of gratuity.

N.B.—The member of the Service should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Schedule F.

NOMINATION FOR DEATH-*cum*-RETIREMENT GRATUITY

When the member of the Service has no family and wishes to nominate one person

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and Address of nominee	Relationship with the member of the service	Age	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service

Dated this..................day of................19 , at ....

Signature of the member of the Service.

Witnesses to signature.

1.

2.

Schedule G

NOMINATION FOR DEATH-*cum*-RETIREMENT GRATUITY

When the member of the service has no family and wishes to nominate more than one person

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below any gratuity which having become admissible to me on retirement may remain unpaid at my death

Name and Address of nominees	Relation-ship with the mem-ber of the Service	Age	Amount or share of gratuity pay-able* to each*	Contingencies on the happening of which the nomination shall become invalid	Name, Address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service

Dated this........................day of..........19 , at.. ....

Signature of the member of the Service

Witnesses to signature.

1.

2.

*This column should be filled in so as to cover the whole amount of gratuity.

N.B.—The member of the Service should draw lines across the blank space below the last enrty to prevent the insertion of any name after he has signed..

Schedule H

NOMINATION FOR FAMILY PENSION

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by State Government in the event of my death after completion of 10 years' qualifying service.

Name and Address of nominee	Relationship with the member of the Service	Age	Whether married or unmarried

Dated this......................day of.............19 , at................

Signature of the member of the Service.

Witnesses to signature.

1.

2

N.B —The member of the Service should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Schedule I

DECLARATION FORM

Whereas the ... .(here state the designation of the officer sanctioning the advance) has consented provisionally, to advance to me the sum of Rs...... ....a month/Rs . . .. .in anticipation of .. the completion of the enquiries necessary to enable the Government to fix the amount of gratuity/Pension/Death-*cum*-retirement gratuity/family pension, payable to me* (as the nominee/legal heir of Shri......... ....)

I hereby acknowledge that, in accepting this advance I fully understand that any gratuity/pension/death-*cum*-retirement gratuity/family pension payable to me is subject to revision on the completion of the necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional gratuity/pension/death-*cum*-retirement gratuity/family pension now to be paid to me exceeds the gratuity/pension/death-*cum*-retirement gratuity/family pension which may be finally sanctioned to me. I further promise to repay, any amount advanced to me in excess of the gratuity/pension/death-*cum* retirement gratuity/family pension that may be finally sanctioned to me.

Signature ....

Designation (if a Government servant)

....

Station........... ....

Date.......................

Witnesses to signature (with address).

1.

2.

Schedule J

AUTHORITIES COMPETENT TO RETIRE A MEMBER OF THE SERVICE ON VARIOUS KINDS OF RETIREMENT BENEFITS

Nature of Retirement Benefits	Authority competent to Retire
1	2
(*i*) Proportionate pension under rule 7 and death-*cum*-retirement gratuity where admissible.	Central Government.
(*ii*) Invalid gratuity or pension under rule 13 and death-*cum*-retirement gratuity where admissible.	State Government after obtaining the concurrence of the Central Government.
(*iii*) Superannuation gratuity or pension under rule 16 and death-*cum*-retirement gratuity where admissible.	State Government.
(*iv*) Retiring pension under rule 17 and Death-*cum*-Retirement gratuity.	State Government after obtaining the concurrence of the Central Government.
(*v*) Family Pension under rule 22 and death-*cum*-retirement gratuity where admissible.	State Government.

*NOTE.—The words in brackets may be omitted where inapplicable.

ANNEXURE

GENERAL ADMINISTRATION (SPECIAL-A) DEPARTMENT

G O Ms. No. 1631. *Dated the 23rd October 1958.*

Read

From the Government of India, Ministry of Home Affairs, letter No 2/18/58-AIS III dated 22-9-1958.

ORDER

RECORDED.

(By order and in the name of the Governor of Andhra Pradesh)

M. PURUSHOTHAM PAI,
Chief Secretary to Government.

No. 2/18/58-AIS (III)
GOVERNMENT OF INDIA
Ministry of Home Affairs

From:—

SHRI S. P. MUKERJEE, I A S,
Under Secretary to the Government of India,

To:—

THE CHIEF SECRETARIES TO THE GOVERNMENTS OF ALL STATES

Dated, NEW DELHI—1, *the 22nd September* 1958.
31*st Bhadra*, 1880.

SUBJECT:—I.A.S./I.P.S.—Holders of supertime scale posts—question whether provision of rule 24 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958 can apply to the emoluments drawn by them during the last three years notwithstanding they drew pay in the supertime scale for a period less than two years immediately before retirement.

Sir,

As the State Governments are aware, the emoluments drawn in an officiating capacity by an I.A.S. officer during the last three years of service can be counted for pension to the extent indicated in rule 24 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958. The Government of India have come across a case where an officer drew, out of the last three years of service, scale pay *plus* special pay for a certain period and for the remaining period which was less than two years, pay in the super time scale although during the entire three years he was holding a supertime scale post. As the officer did not draw pay in the super time scale for the entire period of the last two years, a doubt was expressed whether provisions of rule 24 of the All India Services (Death-cum-Retirement Benefits) Rules could apply to his case. This question was examined in consultation with the Ministry of Finance. It has been decided that for the purposes of counting officiating emoluments for pension it would suffice if the officer during the last two years of service drew a pay more than his substantive pay and it is not necessary that he should have held the same post in which he drew the higher pay or should have drawn pay in the same scale of pay during the entire two years immediately before retirement. Accordingly, rule 24 of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, would apply to an officer who during the last two years of service drew while holding a super time scale post, pay *plus* special pay for a portion of this period and pay in the super time scale for the rest of the period

Yours faithfully,

Sd./-. S. P. MUKERJEE,
Under Secretary to the Government of India.

APPENDIX 16.

ANNEXURE

ALL INDIA SERVICES—COMPENSATION IN THE EVENT OF INJURY TO, OR DEATH OF AN OFFICER WHILE TRAVELLING ON DUTY BY AIR

GENERAL ADMINISTRATION (SPECIAL. A) DEPARTMENT

G O. Rt. No. 1110. *Dated the 2nd December,* 1958.

Read:—

From the Government of India, Ministry of Home Affairs letter No. 2/7/58-AIS. III dated the 18th October 1958.

ORDER

RECORDED.

2. Communicated to the Inspector-General of Police, Board of Revenue, all Collectors etc., for information.

(By order and in the name of the Governor of Andhra Pradesh)

M PURUSHOTHAM PAI,
Chief Secretary to Government

No. 2/7/58-AIS-(III)
GOVERNMENT OF INDIA
Ministry of Home Affairs

From:

S. P. MUKERJEE, I A.S.,
Under Secretary to the Government of India.

To:

THE CHIEF SECRETARIES TO ALL STATE GOVERNMENTS.

NEW DELHI—1, *the 18th October* **1958.**
26th Asvina, 1880.

SUBJECT:—All India Services—Grant of compensation to an officer or his dependents in the event of his sustaining an injury or meeting with death while travelling on duty by air.

Sir,

I am directed to forward herewith a copy of the Ministry of Finance Office Memorandum No. F. 6 (5) EV/58 dated the 23rd April, 1958 together with that Ministry's Office memorandum No F. 2 (2)-WII/58 dated the 9th July, 1945 which provide for the grant of compensation to the Central Services Officers or their families in the events of injuries or deaths caused during air travel on duty In this connection it has been decided that pending finalization of the All India Services (Extra-Ordinary Pension) Rules, all cases of injuries or deaths caused to the All India Service officers while travelling on duty by air, after obtaining the prior approval of appropriate authority, wherever necessary, may please be brought to the notice of the Government of India, for decision on the lines of the orders applicable to the Central Government servants.

Yours faithfully,

Sd./- S. P. MUKERJEE,
Under Secretary to the Government of India

[*True Copy*]

Copy of Immediate Office Memorandum No. F. 6 (5)-EV/58 dated 23rd April 1958 from the Ministry of Finance (Department of Expenditure) to all Ministries of the Government of India.

SUBJECT:—Grant of compensation to an officer or his dependents in the event of his sustaining an injury or meeting with death while travelling on duty by air

With reference to this Ministry's Office Memorandum No F. 6 (12)-EV/55 dated the 17th June 1955, on the subject mentioned above, the undersigned is directed to say that the Government of India have decided that the orders contained in paragraph 1 of the Finance Department's Office memorandum No F 2 (2)-WII/45, dated the 9th July, 1945, should continue to be in force for a further period of three years from the 1st April 1958 or until further orders If, during this period, an officer is injured or killed as a result of an accident while travelling on duty by air, after obtaining the prior approval of the appropriate authority, where necessary, he or his family will be eligible, for awards under and in accordance with the provisions of the relevant extra-ordinary pension rules.

2. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

Copy of the Office Memorandum No F. 2 (2)-W.II/45 dated the 9th July 1945, from the Government of India, Finance Department, to all Departments of the Government of India and the Secretariat of the Governor-General.

SUBJECT:—Question regarding the grants of compensation to an officer or his dependents in the event of his receiving an injury or meeting death while travelling on duty by air.

In the present emergency Government servants are frequently required to travel in India on duty by air, and the number of cases of officers proceeding by air on deputation outside India has also increased. The Government of India have had under consideration the question to what extent compensation should be granted to an officer or his dependents in the event of his receiving an injury or being killed as a result of an accident, while travelling on duty by air. It has been decided that, as a temporary measure and for duration of the war, the case of each such officer will be regulated by the provisions of the relevant extra-ordinary pension rules, for the time being in force, governing disability or family pension, as the case may be. Officers who are frequently required to travel by air for the necessary performance of their duties should obtain the general orders of Government. In other cases permission to cover individual journey should be obtained in advance from the head of the department or, where the officer is himself the head of a department, from Government.

In this connection the Government of India have also considered carefully proposals to reimburse to the officer additional premia paid by him to cover any such risk or to make good the difference between the sum assured and what the officer or his estate would actually get from the Insurance Company if no extra premium had been paid by the officer for the special risk undertaken. They have come to the conclusion that there is no justification for the grant of this concession in addition to that admissible as a temporary measure under the relevant extraordinary pension rules as a result of the decision communicated in paragraph 1 above. If therefore the officer wishes to ensure that his estate should receive the full sum assured he should meet the cost from his own pocket.

APPENDIX 17.

(*Vide Article* 543.)

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) ACT, 1954.

Act No. XXVIII of 1954.

[*As amended by the High Court Judges (Conditions of Service) Amendment Act* 1958—*Act No.* 46 *of* 1958]

CHAPTER I

PRELIMINARY.

1. *Short title.*—This Act may be called the High Court Judges (Conditions of Service) Act, 1954.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(*a*) "acting Chief Justice" means a Judge appointed under article 223 of the Constitution to perform the duties of the Chief Justice ;

(*b*) "acting Judge" means a person who was appointed to act as a Judge under sub-section (2) of section 222 of the Government of India Act, 1935 ;

(*c*) "actual service" includes—

(*i*) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may, at the request of the President of India, undertake to discharge ;

(*ii*) vacations, excluding any time during which the Judge is absent on leave ;

(*iii*) Joining time on transfer from a High Court to the Supreme Court or from one High Court to another or from the Supreme Court to a High Court ;

(*iv*) time spent by a Judge on duty as a Judge of a former Indian High Court ;

(*v*) time spent by a Judge to attend the sittings of the Supreme Court as an ad hoc Judge under article 127 of the Constitution ; and

(*vi*) vacations (excluding any time during which the Judge was absent on leave) taken by a Judge as a Judge of a former Indian High Court ,

(*d*) "additional Judge" means a person who was appointed as an additional Judge under sub-section (3) of section 222 of the Government of India Act, 1935 ;

(*e*) "former Indian High Court" means the High Court at Rangoon, the High Court at Lahore, the Chief Court of Sind or the Judicial Commissioner's Court of North-West Frontier Province ;

(*f*) "High Court" means a High Court in any part A State and includes a High Court which was exercising jurisdiction in the corresponding Province before the commencement of the Constitution.

(*g*) "Judge" means a Judge of a High Court and includes the Chief Justice, [an acting Chief Justice, an additional Judge and an acting Judge of the High Court].

(*h*) "service for pension" includes—

(*i*) actual service;

(*ii*) one month or the amount actually taken, whichever is less, of each period of leave on full allowances;

(*iii*) joining time on return from leave out of India;

(*i*) "prescribed" means prescribed by rules made under this Act.

(2) In the calculation of service for the purposes of this Act, previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court shall be reckoned as service as a Judge but, save as otherwise expressly provided, previous service as an acting Chief Justice shall not be reckoned as service as Chief Justice.

(3) Any period of leave taken by a Judge before the commencement of this Act under the rules then applicable to him as an acting Judge, additional Judge or a Judge shall, for the purposes of this Act, be treated as if it were leave taken by him under this Act

(4) Any period of leave taken by a Judge while serving as a Judge of a former Indian High Court before his appointment to a High Court shall for the purposes of this Act be treated as if it were leave taken by him under this Act.

CHAPTER II

LEAVE.

* * * * *

CHAPTER III

PENSIONS.

14. *Pension payable to Judges.*—Subject to the provisions of this Act, every Judge shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part I of the First Schedule·

Provided that no such pension shall be payable to a Judge unless—

(*a*) he has completed not less than twelve years of service for pension; or

(*b*) he has attained the age of sixty years; or

(*c*) his retirement is medically certified to be necessitated by ill-health:

[Provided further that if a Judge at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in

[ ] As amended by the High Court Judges (Conditions of Service) Amendment Act, 1958.

respect of any previous service in the Union or State, the pension payable under this Act shall be in lieu of, and not in addition to, that pension.]

Explanation.—In this section 'Judge' means a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil post under the Union or a State and includes a Judge who being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.

15. *Special provision for pension in respect of Judges who are members of Service.*—Every Judge—

(*a*) who is a member of the Indian Civil Service shall, on his retirement, be paid a pension in accordance with the scale and provisions in Part II of the First Schedule ;

(*b*) who is not a member of the Indian Civil Service but has held any other pensionable civil post under the Union or a State, shall, on his retirement, be paid a pension in accordance with the scale and provisions in part III of the Schedule :

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the First Schedule or, as the case may be, part II or part III of the First Schedule and the pension payable to him shall be calculated accordingly

16. *Power of President to add to the service for pension.*—The President of India may for special reasons direct that any period not exceeding three months shall be added to the service for pension of a Judge.

Provided that the period so added shall be disregarded in calculating any additional pension under Part I or Part II or Part III of the First Schedule.

17. *Extraordinary pensions.*—The rules for the time being in force with respect to the grant of extraordinary pensions and gratuities in relation to an officer of the Central Civil Services, Class I who has entered service on or after the 1st April, 1937 and who may suffer injury or die as a result of violence, shall apply in relation to a Judge, subject, however, to the modification that references in those rules to tables of injury gratuities and pensions, and of family gratuities and pensions, shall be construed as references to the tables in the Second Schedule.

18. *Conversion of sterling pension into rupees.*—Pensions expressed in sterling only shall, if paid in India, be converted into rupees at such rate of exchange as the Central Government may, from time to time, specify in this behalf.

[** ** **]

19. *Commutation of pensions.*—The Civil Pensions (Commutation) Rules for the time being in force shall, with necessary modifications, apply to Judges.

[ ] As amended by the High Court Judges (Conditions of Service) Amendment Act, 1958.

[** ** **] Deleted in the High Court Judges (Conditions of Service) Amendment Act, 1958.

20. *Provident Fund.*—Every Judge shall be entitled to subscribe to the General Provident Fund (Central Services) :

Provided that a Judge who is a member of the Indian Civil Service or has held any other pensionable civil post under the Union or a State shall continue to subscribe to the Provident Fund to which he was subscribing before his appointment as a Judge .

Provided further that a Judge who was appointed before the commencement of this Act may continue to subscribe to the Provident Fund to which he was subscribing immediately before such commencement.

21. *Authority competent to grant pension*—Save as may other wise expressly provided in the relevant rules relating to the grant of extraordinary pensions and gratuities, the authority competent to grant pension to a Judge under the provisions of this Act shall be the President of India.

CHAPTER IV

MISCELLANEOUS

22. *Travelling allowances to a Judge.*—Every Judge shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as may, from time to time, be prescribed.

23. *Facilities for medical treatment and other conditions of service.*—

(1) Every Judge and the members of his family shall be entitled to such facilities for medical treatment and for accommodation in hospitals as may, from time to time, be prescribed.

(2) The conditions of service of a Judge for which no express provision has been made in this Act shall be such as may be determined by rules made under this Act.

(3) This section shall be deemed to have come into force on the 26th January, 1950 and any rule made under this section may be made so as to be retrospective to any date not earlier than the commencement of this section.

[23-A. *Vacation of High Courts.*—(1) Every High Court shall have a vacation or vacations for such period or periods as may, from time to time, be fixed by the President, by order notified in this behalf in the Official Gazette, and every such order shall have effect notwithstanding anything contained in any other law, rule or order regulating the vacation of the High Court.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

23-B. *Special provisions in respect of continuing Judges.*—(1) In the calculation of the service for pension of a continuing Judge for the purposes of this Act, his previous service for pension as a Chief Justice or as a Judge of a former High Court in a Part B State, under the provisions of the High Court Judges (Part B States) Order, 1953, or any

[ ] As inserted by the High Court Judges (Conditions of Service) Amendment Act, 1958.

other order or rule then applicable to him, shall be reckoned as service for pension as a Chief Justice, or as the case may be, as a Judge under this Act.

(2) In the calculation of the amount of leave at the credit of a continuing Judge for the purposes of this Act, the amount of leave due to him immediately before the 1st day of November, 1956, under the provisions of the High Court Judges (Part B States) Order, 1953, or any other order or rule then applicable to him, shall be added to the amount of leave at his credit under this Act.

(3) In this section, 'continuing Judge' means a Judge of a former High Court in a Part B State who on the 1st day of November, 1956, or on any date subsequent thereto has become or been appointed as a Judge of a High Court for a State.]

24. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) leave of absence of a Judge;

(*b*) pension payable to a Judge;

(*c*) travelling allowances to a Judge;

(*d*) facilities for medical treatment and other conditions of service of a Judge;

(*e*) any other matter which has to be, or may be, prescribed.

[(3) All rules made under this section shall be laid for not less than thirty days, before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.]

25. *Savings.*—(1) Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his allowances or his rights in respect of leave of absence (including leave allowances) or pension than those to which he would be entitled if this Act had not been passed.

[(2) Nothing contained in this Act, as amended by the High Court Judges (Conditions of Service) Amendment Act, 1958, shall have effect so as to give to a Chief Justice or a Judge of a former High Court in a part B State less favourable terms in respect of his allowances or his rights in respect of leave of absence (including the leave allowances) or pension than those to which he would be entitled under the High Court Judges (Part B States) Order, 1953, or any other order or rule then applicable to him, if he had continued as a Judge of that High Court, his service as a Judge on or after the 1st day of November, 1956, being treated as service in that High Court.]

[ ] As amended by the High Court Judges (Conditions of Service) Amendment Act, 1958.

The First Schedule

(*See Section* 14 *and* 15)

PENSIONS OF JUDGES

Part I

1 The provisions of this Part apply to a Judge who is not a member of the Indian Civil Service or has not held any other pensionable civil posts under the Union or a State and also apply to a Judge who, being a member of the Indian Civil Service or having held any other pensionable civil post under the Union or a State, has elected to receive the pension payable under this Part

2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be the basic pension specified in paragraph 3 increased by the additional pension, if any, to which he is entitled under pragraph 5.

3 The basic pension to which such a Judge shall be entitled shall be—

(*a*) for the first seven completed years of service for pension, Rs. 5,000 per annum, and

(*b*) for each subsequent completed year of service for pension, a further sum of Rs. 1,000 per annum.

Provided that the basic pension shall in no case exceed Rs. 10,000 per annum.

4. For the purpose of calculating additional pensions, service as a Judge shall be classified as follows:—

Grade I Service as Chief Justice in any High Court;

Grade II. Service as any other Judge in any High Court.

5. For each completed year of service for pension in either of the grades mentioned in paragraph 4, the Judge who is eligible for a basic pension under this Part shall be entitled to the additional pension specified in relation to that grade in the second column of the table annexed hereto:

Provided that the aggregate amount of his basic and additional pension shall not exceed the amount specified in the third column of the said table in relation to the higher grade in which he has rendered service for not less than one completed year.

TABLE

Service	Additional pension per annum	Maximum aggregate pension per annum
	Rs.	Rs.
Grade I ..	740	20,000
Grade II ..	470	16,000

6. A Judge who has rendered service for pension in both the grades may claim that any period of service of less than a completed year rendered by him in the higher grade, or any portion of any such period, shall be treated for the purposes of paragraph 5 as service rendered by him in the lower grade.

7. For the purposes of this Part, service as an acting Chief Justice of a High Court or as an ad hoc Judge of the Supreme Court, shall be treated as though it were service rendered as Chief Justice of a High Court.

8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed twelve years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 20,000 per annum.

9. Where a Judge to whom this part applies retires or has retired at any time after the 26th January, 1950 without being eligible for a pension under any other provision of this Part, then, notwithstanding anything contained in the foregoing provisions, a pension of Rs, 6,000 per annum shall be payable to such a Judge.

[Provided that nothing in this paragraph shall apply—

(a) to an additional Judge or acting Judge; or

(b) to a Judge who at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Union or a State.]

Part II

1 The provisions of this Part apply to a Judge who is a member of the Indian Civil Service and who has not elected to receive the pension payable under Part I

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of the Indian Civil Service if he had not been appointed a Judge, his service as a Judge being treated as service therein for the purpose of calculating that pension; and

(b) the additional pension, if any, to which he is entitled under paragraph 3.

[3. If such a Judge has completed not less than seven years of service for pension in a High Court, he shall be entitled to an additional pension in accordance with the following scale—

		Per annum Rs.
For seven completed years of service for pension	..	1,333
For eight completed years of service for pension	..	1,600
For nine completed years of service for pension	..	1,866
For ten completed years of service for pension	..	2,133
For eleven completed years of service for pension	..	2,400
For twelve or more completed years of service for pension		2,666]

Part III

1. The provisions of this Part apply to a Judge who has held any civil pensionable post under the Union or a State (but is not a member of the Indian Civil Service) and who has not elected to receive the pension payable under Part I.

2. The pension payable to such a Judge shall be—

(a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a Judge,

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[ ] As inserted by the High Court Judges (Conditions of Service) Amendment Act, 1958.

[ ] As amended by the High Court Judges (Conditions of Service) Amendment Act, 1958.

his service as a Judge being treated as service therein for the purposes of calculating that pension; and

(*b*) a special additional pension of Rs. 500 per annum in respect of each completed year of service for pension but in no case such additional pension together with the additional or special pension, if any, to which he is entitled under the ordinary rules of his service, shall exceed Rs. 2,500 per annum.

The Second Schedule

(*See Section 17*)

INJURY GRATUITIES AND PENSIONS

Officer	Gratuity	Annual Pension	
		Higher Scale	Lower Scale
	Rs.	Rs.	Rs.
1. Chief Justice	20,000	5,400	4,700
2. Any other Judge ..	13,500	4,700	4,000

FAMILY GRATUITIES AND PENSIONS

A. Widow

Officer	Gratuity	Annual Pension
	Rs.	Rs.
1. Chief Justice	15,000	5,000
2. Any other Judge	13,500	4,000

B. Children

Officer	Annual Pension	
	If motherless	If not motherless
	Rs.	Rs.
1. Chief Justice	550	320
2. Any other Judge	550	320

LIST OF FORMS

A. Remarks by head of office—

1. As to character and past conduct of applicant.

2. Explanation of any suspension or degradation.

3. Regarding any gratuity or pension already received by applicant (*see* Chapter XXI).

4. Any other remarks.

B Specific opinion of—

1. Head of Office whether the service claimed is established and should be admitted or not [*see* Article 911 (*b*)].

(Signature of the Head of the Office).

2. The sanctioning authority whether the $\frac{\text{pension}}{\text{gratuity}}$ claimed may be admitted—vide Note 2 to Article 918, Civil Service Regulations.

(Signature of the sanctioning authority).

CERTIFICATE.

*I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

If the applicant has already received a gratuity or is in receipt of a pension, the certificate should be modified, so as to include the following particulars:—

(*a*) Nature and amount of pension or gratuity.

(*b*) The period of service in respect of which it is paid.

(*c*) By whom it is paid.

Signature of applicant.

Form No. 2.

[T. & A. (Pen.) 1-A.]

Memorandum of service and leave,

Name Designation Date of birth by Christian era

(1) This memorandum is intended only to secure proof of service and has nothing to do with the question of the whole or any portion of the service qualifying for pension.

(2) When any appointment is only an acting one the substantive appointment held at the same time should be shown.

(3) Particulars of leave and suspension should be entered in red ink.

(4) Each interruption in service should be fully explained in the remarks column.

(5) If no leave has been taken by the applicant during the whole of his service the fact should be clearly stated

(6) For calculating broken periods a month should be reckoned as 30 days irrespective of the actual number of days in a month.

(7) Separate totals should be struck off in respect of inferior and superior services.

Establishment and headquarters.	Appointment, substantive acting or temporary, both superior and last grade.	Pay.	Acting allowance.	Date of beginning.	Date of ending.	Period reckoned as service.	Period not reckoned as service	How verified.	Remarks.
		RS	RS.						

Forwarded to the Accountant-General, Andhra Pradesh, for favour of verification, as the applicant intends to retire from the Public Service within six months / has been invalided on

Signature.

Designation and Station.

Date 19

Form No. 3.

[T. & A. (Pen.) 2.]

Copy of Application for (first page) ***Pension or Gratuity***

1. Name of applicant (in full and in capitals).
2. Father's name (in capitals)
3. Race, sect and caste (in capitals).
4. Residence and address.
5. Present or last employment, including name of establishment
6. Date of beginning of service.
7. Date of ending of service

7A Total period of military service.—
Date of commencement and end of each period of military service.
Amount and nature of any pension/gratuity received for the military service.

7B Government under which service has been rendered showing the length of qualifying service under each *Government*—

Length of qualifying service.
Y. M. D.

Total ..

8. Length of service, including interruptions, of which—
   Superior .. .. ..
   Last grade .. .. ..
   Non-qualifying and interruptions (vide Memorandum of service and Leave enclosed)
9. Class of pension or gratuity applied for, and cause of application.**
10. [Average] emoluments or pay.
11. Proposed pension.
12. Proposed gratuity.
13. Date from which pension is to commence.
14. Place of payment (in capitals).
15. Date of applicant's birth by Christian era.*
16. Height.
17. Marks.
18. Date on which the applicant applied for pension.
19. Charges, if any, pending against the applicant.
20. Is he a subscriber to any Provident Fund; if so, quote his correct account number as verified from the annual account statements received from the Accountant-General, Andhra Pradesh.

Signature of Head of Office.

* If not known exactly must be stated on the best information or estimate.

** If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to claim should be fully stated.

Thumb.	Fore finger.	Middle finger	Ring finger.	Little finger

*Certified that these finger prints have been taken in my presence and under my personal superintendence from the left hand of late for whom this application is made.

Station,

Date 19 .

Signature

*In the case of European ladies, Gazetted Government servants, Government title-holders and other persons who may be specially exempted by Government, thumb and finger impressions and particulars of height and personal marks are not required.

Form No. 4.

[T & A (Pen.) 27.]

Statement of average emoluments of

Length of service.		Period			Rate in rupees of monthly pay.		Amount.		Remarks.
From	To								
		Y.	M.	D.	Rs.	nP.	Rs.	nP.	

OFFICE,

Dated 19 .

Signature
Designation

Form No. 5.

[T. & A. (Pen) 47.]

Pension applications in final shape may be sent to the Accountant-General six months in advance of retirement.

FROM

____

____

To

THE ACCOUNTANT-GENERAL, ANDHRA PRADESH,
PENSION VERIFICATION SECTION.

SIR,

I have the honour to forward as per list in the margin*:—

the pension application

the application for revision of pension

of

late a

in the office of the

who is due to retire

who was invalided

who was compulsorily retired

who has applied for voluntary retirement

whose original application was sent

on

2. The other documents, viz., will be forwarded to you in due course.

3. Due attention has been paid to the requirements of the rules in connexion with the submission of pension applications

Yours faithfully.

*1. Application for pension or gratuity
2. Memorandum of service and leave.
3. Copy of application for (first page) pension or gratuity.
4. Last pay certificate.
5. Statement of average emoluments.
6. Specimen signature.
7. Passport size photo duly attested.
8. Thumb and finger impressions.
9. Service register duly completed.
10. Medical certificate in the case of invalid pensions.
11. Applicant's letter for permission to retire.
12. Letter of consent for recoveries to be effected from pension.
13. Military service verification certificate.
14. Copies of orders for condonation, interruption, deficiency, etc., or service.

INSTRUCTIONS

To avoid unnecessary correspondence and to enable quick disposal the pension papers should be complete but if some delay is anticipated in getting some minor documents such as finger-prints, specimen signatures and photos, the available papers may be sent and the others furnished soon after. In addition to the rules in the revised Chapter XLVII of the Civil Service Regulations, the following instructions will be of use:—

I. *Application should be prepared in Form T. & A. (Pen.)*-1 and all items on both the pages duly filled up It should be remembered that the Accountant-General does not sanction pensions but merely admits the sanctions as given by the departmental officers on the back of the form, if the calculations are correct. (Articles 918 and 919, Civil Service Regulations).

The applicant should sign the certificate at the bottom of page 2 of the Form [Articles 911 and 917 (*a*) (ii), Civil Service Regulations].

Form T. & A. (Pen.)-2 should also be filled in and attached.

II. *The Service Books* which should accompany, should first be examined to see whether they form a continuous record of service, whether they have been written up to date whether the annual verifications of service have been recorded and signed by the Head of the office and whether leave debitable to other Governments are recorded and supported by a subsidiary leave account. A complete review of the leave account and the leave granted under Fundamental Rule 81 or the Andhra Pradesh Leave Rules, 1933, during the applicant's entire service, should be made and orders of competent authority obtained wherever necessary, for any irregular grant of leave.

Please see revised Article 915 (*a*) (iv), Civil Service Regulations for the procedure to be followed in the absence of service records that have been lost.

III. *Memorandum of Service and Leave in Form T. & A. (Pen.)* 1-*A* should be prepared from facts as they appear in the service book observing the instructions at the top of the form Only the privilege leave and the first four months of any period of leave on Average Pay should be shown in the column 'Reckoned as service.' All other leave should be shown in the column 'Not reckoned as service' but please see Article 408, Civil Service Regulations.

IV. *Memorandum of calculation of average emoluments in Form T. & A. (Pen.)*-27 should be prepared showing the amount drawn for the broken period of a month, if any, at the commencement of the three-year period, then for complete months and lastly for the broken period of a month at the end. Actual number of days in the month concerned should be taken for the purpose.

If it is proposed to reckon special pay towards average emoluments during periods of leave, a certificate from the Head of the Department (not any lower authority) stating that the applicant would have continued to draw the special pay if he had not gone on leave, should be obtained and sent.

Special attention should be paid to the provisions in Articles 487, 486 (*h*) of the Civil Service Regulations and ruling 3 below Article 376.

V. *For medical certificates* in connexion with invalidations, please see Articles 442 to 447, Civil Service Regulations and the rules thereunder In the case of last grade servants, above the age of 60 a simple certificate from the Head of Office about incapacity for further service, is sufficient.

VI. *Last pay certificate* is to be sent as soon as the last pay bill has been drawn and paid although pension papers may be sent six months in advance If any recovery is ordered to be made from the pension a letter of consent from the applicant agreeing to the recovery should be obtained and sent Any incident affecting the pension of the officer which occurred after the submission of the pension papers should be reported promptly [Article 920 (2), Civil Service Regulations.]

VII. *Specimen signatures and finger-prints properly attested,* and *photos* (for other than gazetted servants) duly described as those of . and attested should be obtained and sent.

VIII. *Condonations of interruptions in service* are governed by Article 422, Civil Service Regulations while *condonations of deficiencies in service* are regulated by Article 423, Civil Service Regulations as amended by the State Government A copy of the orders of the competent authority sanctioning the condonation should be attached

IX *In cases of compulsory retirements* a certificate from competent authority that the rules relating to such retirement have been observed should be furnished along with the pension application

X. General—

(1) Forms are not stocked by the Accountant-General but should be obtained departmentally.

(2) It is not the Accountant-General, but it is the administrative authority who has to satisfy himself first and adduce such evidence as will establish claims under Articles 370, 371, 373 of 486 (*h*) Civil Service Regulations The Accountant-General cannot advise about such claims unless all necessary details are given Details of the nature of the vacancies should always be given in such cases

XI *Gazetted officers* should submit applications for *their* pension to the heads of their departments, whose duty it is to address Government through the Accountant-General with the necessary papers

Form No. 6.

Register of temporary posts for ascertaining the admissibility of the benefit of Article 370 Civil Service Regulations

1 Name of the temporary post (with such particulars for its identification) . .. ..

2 Date of creation in the first instance

3 Date of making the post permanent

Upper half.

Serial No.	Period of temporary sanction		Authority for creation, continuance and for making the post permanent.
	From	To	
1			
2			
3			
etc.			

Distribution of benefit under Article 370 Civil Service Regulations.

Lower half.

Serial No.	Period of temporary service counted under Article 370 Civil Service Regulations.	Name of Government servant to whom the benefit is given
1		
2		
3		
etc.		

INSTRUCTIONS.

1. The upper half of this register should be filled in from time to time when the temporary post is created, continued and eventually confirmed.

2. The benefit of Article 370 C.S R should be allotted to the Government servants concerned with reference to para 11 (iv) and 11 (v) under Article 370 C S.R. in the Manual of Audit Instructions Ruling 2 under Article 370 C.S.R. in the Andhra Pradesh Pension Code and note thereunder.

3. As soon as the temporary post is made permanent and as the benefit of the post is allotted to the Government servants concerned, an extract of this register relating to that post should be sent to the Accountant-General along with the service books of the Government servants concerned.

(G.O. Ms. No. 591, Finance, dated 7th September, 1955).'

Form No. 7.

Register of officiating and temporary employees in the cadre of .... for the purpose of allotment of benefit under Article 370 and 371 Civil Service Regulations.

Serial No.	Name of Government servant	Period for which he was officiating or was a temporary servant.		Date of substantive confirmation	Name of temporary post benefit of which Art. 370 C.S.R. was given.	Period for which benefit was given		Nature of vacancy in which benefit of Art. 371 was given.	Period for which benefit given		Remarks
		From	To			From	To		From	To	
1	2	3	4	5	6	7	8	9	10	11	12
1											
2											
3											
etc.											

INSTRUCTIONS.

1. Columns 1 to 3 should be filled in at the time of appointment. Columns 4 and 5 at the time of confirmation Cases of resignation, retrenchment, etc., may be deleted with an entry to that effect. Columns 6, 7 and 8 should be filled in against the Government servant concerned with reference to the corresponding entry in the register of temporary posts (Form 6) at the time temporary posts are made permanent

2. Columns 9, 10 and 11 may be filled in with reference to the entries made in the Register of vacant posts (Form 8).

3. Whenever entries are made in columns 6 to 11, the entry should be got checked and necessary entry got made by the Audit Officer in the service book.

(G.O. Ms. No. 591, Finance, dated 7th September, 1955).

Form No. 8.

Register of Permanent Vacancies and the allotment of their Benefit under Article 371 Civil Service Regulations.

Serial No.	Particulars of permanent vacancies otherwise unfilled, foreign service vacancy etc.	Period of vacancy.		Name of the Government servant to whom the benefit under Art. 371 is allowed.	Date of his confirmation	Period for which benefit was given		Remarks.
		From	To			From	To	
1	2	3	4	5	6	7	8	9

INSTRUCTIONS

1. Columns 1 to 4 should be filled as and when the vacancies satisfying the conditions mentioned in Article 371 C.S.R. (*e.g.*) Permanent vacancies like retirement, dismissal, resignation etc., deputation on foreign service, vacancies on account of the permanent holder of the (superior) post going on leave without allowances, etc. A separate page should be allotted for each vacancy.

2. Columns 5 to 8 of the register should be filled in with reference to the entries in Form 7 as soon as the Government servant concerned is confirmed.

3. Extract of the Register when completed should be sent to the Accountant-General along with the service registers of the Government servants concerned.

(G.O. Ms. No. 591, Finance, dated 7th September, 1955).

Form No. 9.

Register to watch disposal of Pension Claims.

Retirement during the month of——————

Serial No.	Name of Government servant.	Date of retirement.	Date of receipt of formal application.	Date of submission of pension papers to the Accountant-General	Interim references.				No and date of Accountant-General's final report.	No and date of formal sanction	No. and date of Accountant General's letter regarding issue of P P O	Remarks
					From	To	No.	Date				
1	2	3	4	5	6	7	8	9	10	11	12	13

INSTRUCTIONS.

1. A separate page should be opened for retirements in each month
2. Columns 1 to 3 should be filled in the months of April or May of each year at the time of preparation of the Annual Establishment Returns in the case of non-gazetted officers. The particulars in respect of Gazetted Officers may be taken from the civil list All cases of retirement during the current and next financial year should be collected in the Register
3. The Register should be reviewed every fortnight, special action being taken in all cases of retirements within a period of six months
4. Extract of this register relating to pensioners who have retired already but final pension has not been sanctioned should be sent every month to the Accountant-General and the Head of Department explaining the reason for the dealy.

(G.O. Ms. No. 591, Finance, dated 7th September 1955 .

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The Index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules.

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